

ORGANIZATION, PHILOSOPHY, AND GOALS

Advisory Committees and School Community Groups

Employee Advisory Committees to the Superintendent

This policy supersedes Policy 1705.

I. PURPOSE

To establish procedures for the participation of employees in decision making affecting their employment with the school division.

II. PROCEDURE

The Division Superintendent shall establish committees or advisory councils sufficient to represent all employees and shall arrange for regular meetings to consider recommendations or questions of interest to these groups. Establishment of advisory committees is not intended to limit other forms of formal or informal communications, including grievance procedures.

Policy
adopted: July 1, 1986
Reviewed and
Corrected: February 24, 2003

FAIRFAX COUNTY SCHOOL BOARD

HUMAN RESOURCES

Employment Actions and Records

Assignment of Personnel

This policy supersedes Policy 4230.

I. PURPOSE

To authorize the assistant superintendent, human resources, or his or her designee, to establish guidelines for the assignment of personnel and the designation of their work activities.

II. PROCEDURES AND REQUIREMENTS

The procedures and requirements related to employee assignments and work activities shall be developed and monitored by the assistant superintendent, human resources.

Legal reference: Code of Virginia, §22.1-297, Assignment of Teachers, Principals, and Assistant Principals by Superintendent

Policy
adopted: July 1, 1986
Corrected: March 22, 1994
Corrected: June 8, 1998
Reviewed: April 21, 2003

HUMAN RESOURCES

Employment Actions and Records

Destaff

This policy supersedes Policy 4250.1.

I. PURPOSE

To provide for the orderly reassignment of personnel when a particular school or work location has an excess number of employees.

II. AUTHORITY FOR REASSIGNMENT

The School Board shall authorize the assistant superintendent, human resources, or his or her designee, to reassign personnel according to established procedures when a school or work location is overstaffed.

Policy
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Revised: June 6, 1991
Corrected: June 8, 1998
Reviewed: April 21, 2003

FAIRFAX COUNTY SCHOOL BOARD

HUMAN RESOURCES

Employment Actions and Records

Layoff and Recall

This policy supersedes Policy 4280.

I. PURPOSE

To establish an orderly procedure for reduction in force.

II. AUTHORITY FOR LAYOFF AND RECALL OF PERSONNEL

When the School Board determines that an excess number of employees exists, the assistant superintendent, human resources, shall be responsible for the identification of those employees to be laid off and for the implementation of reduction-in-force actions.

Legal reference: Code of Virginia, §22.1-304, Reemployment of...Reduction in Number of Teachers

Policy
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FAIRFAX COUNTY SCHOOL BOARD

HUMAN RESOURCES

Leave and Leaves of Absence

Types of Leave and Leaves of Absence

This policy supersedes Policy 4810.3.

I. PURPOSE

To identify the various types of leave and leaves of absence available to employees.

II. TYPES OF LEAVE

Leave is defined as released time granted for a specified period, which may be less than the remainder of the fiscal year. Following are the types of leave granted.

	<u>WITH PAY</u>	<u>WITHOUT PAY</u>	<u>REGULATION NUMBER</u> latest version
A. Administrative (Emergency)	X	X	4810
B. Administrative (Employee Request)	X	X	4811
C. Administrative (Unusual Circumstance)	X		4812
D. Annual	X		4813
E. Civil	X	X	4814
F. Employee Organization Leave	X		4537
G. Family Medical Leave Act	X	X	4835
H. Military, Reserve Training	X		4815
I. Personal	X		4819
J. Political Leave--Short-Term		X	4816
K. Religious*			4817
L. Short-Term Leave Without Pay		X	4818
M. Sick (Personal, Family, Bereavement, etc.)	X		4819
N. Study (Summer)	X		4820
O. Study (12-Month Employees)	X	X	4821

*NOTE: Religious leave is released time that must be made up.

III. TYPES OF LEAVES OF ABSENCE

A leave of absence is defined as an approved unpaid extended absence from work. Except for child care for nonschool-based 12-month employees, and for leave covered under the Family and Medical Leave Act (FMLA), a leave of absence will be granted for the entire contract or work year or for the remainder of the contract or work year and that, where applicable, may be granted for an additional contract or work year(s).

A leave of absence may either be designated or nondesignated. The general provisions, including employee eligibility and other specific requirements, may be found in the latest version of Regulation 4822.

See also the current version of: Regulation 4822, Leaves of Absence

Policy

adopted: July 1, 1986

Revised: November 2, 1989

Revised: April 28, 1994

Revised: April 27, 2000

Revised: May 10, 2005

ORGANIZATION, PHILOSOPHY, AND GOALS

Advisory Committees and School Community Groups

Employee Advisory Councils

This regulation supersedes Regulation 1705.1.

I. PURPOSE

To establish membership, election procedures, meeting dates, and roles of all advisory councils. The Bus Drivers' and Attendants' Advisory Council, the Custodial Services Advisory Council, the Facilities Services Employees' Advisory Council, the Food Services Advisory Council, the Office Personnel Advisory Council, the School Employees' Benefit Advisory Council, and the Support Services Employees' Advisory Council are governed by bylaws as approved by the Division Superintendent. The Faculty and Staff Advisory Council, the Fairfax County Employees' Advisory Council, and the Superintendent's Teacher Advisory Councils are excluded from having governing bylaws approved by the Division Superintendent.

II. ROLE OF ADVISORY COUNCILS

Each council shall represent its particular employee group. Meetings shall provide a forum for discussion of concerns, ideas, and suggestions between the employee group and the administration.

III. BUS DRIVERS' AND ATTENDANTS' ADVISORY COUNCIL (BDAAC)

A. Membership on Council

The membership of this organization shall be composed of one driver representative and one alternate representative elected by drivers, unassigned drivers, and floaters from each of the pyramids. One attendant representative and one alternate representative will be elected by the attendants from transportation Areas I, II, and III. Special education drivers shall elect one driver representative and one driver alternate from each pyramid or center in the special education area. Special education attendants shall elect one attendant representative and one attendant alternate from each pyramid. Temporary drivers and temporary attendants are not eligible for membership on the council.

B. Nominations and Voting

Representatives and alternates shall be elected for a two-year term on an alternating basis. In August of each odd-numbered year, the representatives and alternates for

Areas I and II will be elected. The representatives and alternates for Area III, special education, and all attendants will be elected each even-numbered year, respectively.

C. Meeting Dates

The Bus Drivers' and Attendants' Advisory Council shall meet on the first Thursday of each month, October through May.

IV. CUSTODIAL SERVICES ADVISORY COUNCIL (CSAC)

A. Membership on Council

The membership of this organization shall be composed of an elected representative(s) and an alternate as follows: high, secondary, and middle school—8 representatives (one per cluster); elementary—24 representatives (three per cluster); and administrative offices or centers—8 representatives (three from departments and five from centers.)

B. Nominations and Voting

Representatives and alternates shall be elected for two-year terms on an alternating basis, with one-half being elected in April each year.

C. Meeting Dates

The Custodial Services Advisory Council shall meet on the last Wednesday of each month, September through May.

V. FACILITIES SERVICES EMPLOYEES' ADVISORY COUNCIL (FSEAC)

A. Membership on Council

The membership of this organization shall be composed of elected representative(s) and alternates from each office or section in the Department of Facilities and Transportation Services as follows: mechanical and structural sections will have two representatives and one alternate. All other sections in the department will have one representative and one alternate.

B. Nominations and Voting

Representatives and alternates shall be elected for two-year terms on an alternating basis, with one-half being elected during the summer or as otherwise designated.

C. Meeting Dates

The Facilities Services Employees' Advisory Council shall meet on the second Thursday of each month, September through June.

VI. FACULTY AND STAFF ADVISORY COUNCIL (FAC)

A. Membership on Council

A faculty and staff advisory council to the principal or program manager shall be established for each work location. Each council shall have three to seven members. Employees being represented by the Bus Drivers' and Attendants, Food Service, Office Personnel, or Fairfax County Employees' Advisory Councils are not eligible for election to or representation by a faculty and staff advisory council.

B. Nominations and Voting

Representatives shall be elected by secret ballot during the first week of the school term in the fall.

C. Meeting Dates

Each council shall meet at least four times during the school year and at the request of the program manager.

VII. FOOD SERVICE ADVISORY COUNCIL (FSAC)

A. Membership on Council

The membership of this organization shall be composed of representatives and alternate representatives as follows: central kitchens—one representative and one alternate; secondary—one representative and one alternate; and finishing kitchens: high school—one representative and one alternate; middle school—one representative and one alternate; and elementary—three representatives and three alternates.

B. Nominations and Voting

Representatives and alternates shall be elected for two-year terms on an alternating basis, with one-half being elected each year prior to the November meeting.

C. Meeting Dates

The Food Service Advisory Council shall meet on the second Wednesday of each month, September through May.

VIII. FAIRFAX COUNTY EMPLOYEES' ADVISORY COUNCIL (FCEAC)

The Fairfax County Employees' Advisory Council (FCEAC) provides the medium through which all civil service (US-scale) employees may discuss ideas and problems and contribute their advice and suggestions for the improvement of the career merit system and other aspects of the government of Fairfax County. The council confers with the Division Superintendent, the county executive, and the Civil Service Commission. In addition, the council may sponsor such voluntary recreational, welfare, educational, and related activities as will contribute to employee well-being.

A. Membership on Council

The membership of this organization is composed of community-of-interest groups, with one-half representing the county government (GCEAC) and the other half representing the school system (SSEAC).

B. Nominations and Voting

Representatives shall be elected for specified terms according to the bylaws of the General County Employees Advisory Council (GCEAC) and the Support Services Employees' Advisory Council (SSEAC).

C. Meeting Dates

The Fairfax County Employees' Advisory Council meets the first Thursday of each month, August through June.

IX. OFFICE PERSONNEL ADVISORY COUNCIL (OPAC)

A. Membership on Council

The membership of this organization shall be composed of the elected representatives as follows:

High Schools	8 representatives, one per cluster
Middle Schools	8 representatives, one per cluster
Elementary Schools	24 representatives, three per cluster
Centers	2 representatives
Administrative Offices	22 representatives, two per department, plus two at large
Cluster Offices	1 representative

B. Nominations and Voting

Representatives and alternates shall be elected for two-year terms on an alternating basis, with one-half being elected each year. Office personnel willing to serve on the council must submit their names for nomination to the council by March 15. Ballots shall be prepared by the council and sent to all office personnel. Voting shall be by electronic-mail ballot within cluster or administrative boundaries. Nominees in each category receiving the highest number of votes shall be elected as representatives and alternates.

C. Meeting Dates

The Office Personnel Advisory Council shall meet on the third Thursday of each month, September through May.

X. SCHOOL EMPLOYEES' BENEFITS ADVISORY COUNCIL (SEBAC)

A. Membership on Council

The membership of the organization shall be composed of the elected representatives as follows: retirees—three members; teacher scale—six members; instructional assistants—one member; US-20 and above—one member; US-20 and below—four members; and one Superintendent appointee.

B. Nominations and Voting

Representatives are elected in May for three-year terms.

C. Meeting Dates

The School Employees' Benefits Advisory Council shall meet on the first Wednesday of each month, September through June.

XI. SUPPORT SERVICES EMPLOYEES' ADVISORY COUNCIL (SSEAC)

A. Membership on Council

The membership of this organization shall be composed of one representative from each of ten community-of-interest groups as follows:

Group 1—bus drivers and attendants; Group 2—central office clerical and technical; Group 3—food service; Group 4—custodial and plant operations; Group 5—trades, maintenance, and security; Group 6—finance support and supply operations; Group 7—management and administrative; Group 8—educational support; Group 9—school-based clerical; and Group 10—at large.

B. Nominations and Voting

Representatives are elected before May for two-year terms on an alternating basis, with one-half elected each year.

C. Meeting Dates

The Support Services Employees' Advisory Council shall meet on the last Thursday of each month, August through June.

XII. SUPERINTENDENT'S TEACHER ADVISORY COUNCIL (STAC)

A. Membership on Council

Educational employees shall elect one representative and one alternate to represent each school and special education center.

B. Nominations and Voting

Representatives and alternates shall be elected by secret ballot by educational employees at their work locations during the first week of the school term. Members shall serve for one school year and may be reelected from year to year.

C. Meeting Dates

Current meeting dates are published in the current version of Notice 1705.

Reference: Bylaws, Bus Drivers' and Attendants' Advisory Council
Bylaws, Facilities Services Employees' Advisory Council
Bylaws, Food Service Advisory Council
Bylaws, Office Personnel Advisory Council
Bylaws, Fairfax County Employees' Advisory Council
Bylaws, Support Services Employees' Advisory Council
Bylaws, School Employees' Benefits Advisory Council

See also the current versions of: Notice 1705, Employee Advisory Councils
Regulation 4451, Faculty Advisory Councils
Regulation 4452, Support Services Personnel Advisory Councils

HUMAN RESOURCES

Recruitment, Selection, and Appointment

Licensure Requirements--Educational Personnel

This regulation supersedes Regulation 4130.4.

I. PURPOSE

To state the specific requirements outlined in the Virginia Licensure Regulations for School Personnel and to explain the responsibilities of the educational employee in meeting those requirements.

II. TEACHER AND ADMINISTRATOR LICENSURE

A. Eligible Employees

All teachers and school-based administrators shall be required to obtain Virginia teacher's licenses with appropriate endorsements. The Department of Human Resources acts as liaison with the Virginia Department of Education in obtaining licenses for contracted teachers and school-based administrators. Specific licensure may be required of other educators and administrators by the Fairfax County School Board. Fairfax County Public Schools will not seek licensure for individuals in positions such as instructional assistant, substitute teacher, adult education teacher, and homebound teacher.

B. Types of Licenses

1. Provisional License (Three-Year Nonrenewable)

A provisional license may be issued to an individual who holds a baccalaureate degree from a regionally accredited institution and who meets the requirements for one or more endorsement areas; an individual entering the teaching field through the alternate route to licensure upon recommendation of the employing school division; an individual meeting an allowable portion of general, professional, or specific endorsement requirements; an individual seeking the technical professional license; or an individual who is eligible for licensure but has not successfully completed the professional teachers assessment prescribed by the Virginia Board of Education.

2. Special Education Conditional License (Three-Year Nonrenewable)

A special education conditional license may be issued to an individual who holds a baccalaureate degree from a regionally accredited institution; is employed as a special education teacher and has the recommendation of

the employing school division; has an assigned mentor who meets state expectations; has a planned program of study in the assigned endorsement area; and has completed a minimum of six semester hours in the core competencies of characteristics of students with disabilities and legal aspects associated with students with disabilities. This license is not applicable to individuals employed as speech pathologists.

3. Collegiate Professional License (Five-Year)

A collegiate professional license may be issued to an individual who has earned a bachelor's degree from a regionally accredited institution and has met all requirements for licensure, including the professional teachers assessment prescribed by the Virginia Board of Education.

4. Postgraduate Professional License (Five-Year)

A postgraduate professional license may be issued to an individual who has qualified for the collegiate professional license and who holds an appropriate graduate degree from a regionally accredited institution.

5. Pupil Personnel Services License (Five-Year)

A pupil personnel services license may be issued to an individual who has earned an appropriate graduate degree from a regionally accredited institution with an endorsement for school guidance counselor, school psychologist, school social worker, or visiting teacher. This license does not require teaching experience.

6. Technical Professional License (Five-Year)

A technical professional license may be issued to an individual who has graduated from an accredited high school or possesses a General Educational Development certificate and who does not hold a baccalaureate degree but has exhibited academic proficiency, technical competency, occupational experience, has the recommendation of the employing school division, and has completed nine semester hours of specialized professional studies credit from an accredited institution. The nine semester hours must include human growth and development (three semester hours), curriculum and instructional procedures (three semester hours), and applications of instructional technology or foundations of education (three semester hours). The technical professional license is issued in the areas of vocational education, educational technology, and military science. In addition to demonstrating competency in the endorsement area sought, individuals must hold a license issued by the appropriate Virginia boards for those program areas requiring licenses and a minimum of two years of satisfactory experience at the journeyman level or an equivalent; must have completed a registered apprenticeship program and two years of satisfactory experience at the journeyman level or an equivalent level in the trade; or have four years of work experience at the management or

supervisory level or equivalent or have a combination of four years of training and work experience at the management or supervisory level or equivalent.

7. Division Superintendent License (Five-Year)

A division superintendent license may be issued to an individual who has earned a master's degree from a regionally accredited institution of higher education and meets the requirements specified in 8VAC20-21-590 under Division Superintendent License section of the Virginia Licensure Regulations for School Personnel. The individual's name must be listed on the Virginia Board of Education's list of eligible division superintendents.

All licenses will be effective from July 1 in the school year in which the application is made.

III. LICENSE RENEWAL

A. Conditions

Effective July 1, 1990, the Virginia Department of Education mandated an Individualized Recertification Point System. Holders of five-year licenses must accrue 180 professional development points within each five-year validity period. An Individualized Recertification Record form is required by the Virginia Department of Education from each five-year license holder.

The collegiate professional, postgraduate professional, pupil personnel services, technical professional, and division superintendent license may be renewed upon the completion of 180 professional development points within a five-year validity period based on an individualized professional development plan. Professional development points may be accrued by the completion of activities drawn from the approved renewal options outlined in the Virginia Licensure Renewal Manual, including approved Fairfax County Public Schools professional development activities.

Accrual of professional development points shall be determined by the criteria set forth in the Virginia Licensure Renewal Manual and in the Fairfax County Public Schools Guide for Implementing the Virginia Recertification Point System (<http://www.pen.k12.va.us/VDOE/Compliance/TeacherED/remanual.pdf>).

For teachers using the option of completing 180 professional development points to meet the definition of "highly qualified" through High Objective Uniform State Standard of Evaluation (HOUSSE), the qualifying points must be in the eight options of college credit, professional conference, curriculum development, publication of article, publication of book, mentorship or supervision, educational project, and professional development activity. Educational travel and peer observation are not available options for achieving "highly qualified" status.

Child abuse recognition and intervention (CARI) training is a requisite for license renewal.

Educational technology standards must be met for license renewal.

B. Responsibility

The license holder's supervisor or administrative designee shall serve as advisor to meet with the license holder as needed until the requirements for recertification have been satisfied. It shall be the employee's responsibility to maintain a record of the approved activities and to submit the individualized recertification record to the Department of Human Resources licensure office after January 1 but before April 1 of the year in which the license expires. All contracted teachers and school-based administrators shall hold valid teacher licenses and shall be endorsed for their current assignments.

Failure to maintain a valid license may result in nonrenewal of the employment contract.

HUMAN RESOURCES

Recruitment, Selection, and Appointment

Appointment and Assignment Categories

This regulation supersedes Regulation 4155.4.

I. PURPOSE

To describe appointment and assignment categories.

II. APPOINTMENT AND ASSIGNMENT PROCEDURE

All appointment and assignment recommendations shall be made by the Division Superintendent or the assistant superintendent, Department of Human Resources. The Division Superintendent may make exceptions to the regular appointment procedure to develop leadership potential or to meet special circumstances within the school system. Appointments of newly hired employees are approved by the School Board quarterly.

III. RECRUITMENT, SELECTION, AND APPOINTMENT

A. Regular Appointment

Appointment of an individual to an authorized position in accordance with established personnel procedures constitutes a regular appointment.

B. Career Ladder Appointment or Assignment

Appointment or assignment of an employee to an authorized career ladder position in accordance with established personnel procedures constitutes a career ladder appointment or assignment.

Career ladder positions shall be designated, and the standards for advancement shall be determined through the classification process.

An employee who satisfies the established performance and experience standards shall advance within the authorized career ladder without competition.

Procedures for career ladder opportunities are provided in the current version of Regulation 4156.

C. Special Appointment or Assignment

1. Underfill Appointment or Assignment

Appointment or assignment of an individual to a position at a paygrade and salary lower than those authorized for the position constitutes an underfill appointment or assignment.

Underfill appointments and assignments shall be made only when qualified applicants are not available for authorized positions.

Underfill requirements shall be specified in an underfill agreement that is initiated through, and with the approval of, the Department of Human Resources.

Upon satisfactory completion of the underfill requirements, the employee shall be placed at the paygrade and salary authorized for the position.

Procedures for underfill appointments are provided in the current version of Regulation 4118.

2. Special Needs Appointment

Permanent appointment of an individual with particular skills to an authorized position constitutes a special needs appointment.

The purpose of special needs appointments shall be limited to meeting unique system needs, and the number of such appointments should not exceed 20 during a fiscal year.

D. Temporary Assignment

1. Staff Development Assignment

The temporary assignment to a position of an employee who may not initially meet all job requirements of the position for purposes of professional growth constitutes a staff development assignment.

A staff development assignment shall be for a period of one year but may be extended by the Division Superintendent or his or her designee for one additional year only.

An employee placed in a staff development assignment shall receive the pay associated with the grade of the position. Upon completion of the staff development assignment, the employee will return to his or her prior position with its associated grade and pay.

Provisions shall be made at the time of the assignment for the return of the employee to his or her prior position at the completion of the assignment.

2. Acting Assignment

The temporary assignment of a qualified employee to a position while the position is vacant or while the incumbent is on an authorized leave or special assignment constitutes an acting assignment. If the position to which the employee is assigned requires a license, the acting employee must also have a license.

An employee must be assigned as acting for over 20 consecutive workdays to be compensated at the level of the acting assignment. Upon completion of the acting assignment, the employee will return to his or her prior position with its associated grade and pay.

Acting assignments should not extend beyond one year unless approved by the assistant superintendent, Department of Human Resources.

3. Hourly

A person may be placed in a temporary hourly assignment when appropriate funds are authorized.

Temporary hourly assignments shall not be used in lieu of full-time regular positions.

Employees in temporary hourly assignments are eligible only for Social Security benefits. Temporary hourly employees may be terminated without advance notice due to misconduct, poor performance, lack of work or funds, completion of assignment(s), or for other reasons.

See also the current versions of: Regulation 4118, Underfill Appointment or Assignment (US-Scale)
Regulation 4156, Career Ladder Appointment, Assignment, or Advancement

HUMAN RESOURCES

Employment Actions and Records

Employee Inability to Work for Medical Reasons

This regulation supersedes Regulation 4237.

I. PURPOSE

To provide procedures for use when an employee is unable, for medical reasons, to perform the job assigned.

II. GENERAL PHILOSOPHY

The mission of the school system is to educate students. The full service of each budgeted position is required to accomplish the mission, to maintain fiscal responsibility, and to meet government and School Board mandates.

III. PROCEDURES

In making employment decisions, the school system may accept recommendations from an employee's physician or may require an evaluation by the school system's physician.

Procedures for addressing most employment situations involving medical conditions are described below. Because of the unique nature of some medical problems, and because of the importance of adequately staffing school system positions, the assistant superintendent, Department of Human Resources, reserves the right to adopt alternative procedures in individual cases if he or she determines that such alternative procedures are necessary in order to meet the needs of the school system.

A. Employee Inability to Perform Assigned Duties Because of a Disability or a Long-Term Medical Condition

For purposes of this regulation, the terms "disability" and "disabled" refer to an employee with a disability under the Americans With Disabilities Act and the Virginians With Disabilities Act, as well as a person who is handicapped within the meaning of the Rehabilitation Act of 1973 or any other federal, state, or local law.

Consistent with its obligations under law, the school system will make a reasonable accommodation for a disabled employee* who is otherwise qualified for the assignment, if that accommodation will not cause undue hardship. For example, an existing assignment may be modified so that it can be performed notwithstanding the disability. If the assignment cannot be modified without undue hardship, the employee may be reassigned to an appropriate vacant position.

An employee unable to perform the assignment because of a disability may seek accommodation by submitting a written request and a physician's verification of need to the assistant superintendent, Department of Human Resources, or his or her designee. The request should include the reason(s) for the request, and, if possible, the accommodation desired, e.g., job modification or reassignment.

An employee who is not disabled, but who is unable to perform assigned duties because of a long-term medical condition, also may request accommodation, which will be provided if the assistant superintendent, Department of Human Resources, or his or her designee determines that it is consistent with the staffing needs of the school system.

If a determination is made that the employee is not disabled, or that a reasonable accommodation cannot be made, the assistant superintendent, Department of Human Resources, will return the employee to his or her assignment, use the procedures in section B. below, or take such other action as may be appropriate.

B. Employee Request for Relief From Assignment Because of Limited or Temporary Medical Conditions or Because of Conditions in the Workplace

On occasion, an employee's physician may recommend that the employee not continue in his or her assigned duties because of a temporary or limited medical condition, or a physician may recommend that an employee who is medically capable of performing assigned duties be temporarily removed from an assignment because of physical conditions in the workplace.

In those circumstances, the employee may seek relief from an assignment by submitting a written request, and a physician's verification of need, to the appropriate cluster director or assistant superintendent, who will forward the request and his or her recommendation to the assistant superintendent, Department of Human Resources. If immediate relief is needed, sick leave may be used pending the decision.

*A disabled applicant also will be accommodated as required by law.

If the principal or program manager determines that the duties and responsibilities of the position can be performed by making limited changes at the workplace, or by changing the work location, the principal or program manager, with the concurrence of the assistant superintendent, Department of Human Resources, may make such modifications pending correction of the problem. Any action must be consistent with the staffing needs of the school system.

If the assignment is not altered or moved, and the medical condition or workplace problem continues, the employee shall have the option of returning to his or her assignment or shall have the following options, which are subject to the approval of the assistant superintendent, Department of Human Resources.

1. Apply for sick leave, short-term disability, and/or medical leave of absence.
2. Apply for a position in another work location by following the provisions of regulations regarding assignment, transfer, or promotion, as appropriate.
3. Apply for short-term leave without pay.
4. Apply for a nondesignated leave of absence.

C. Effect on Other Benefits

An employee will receive assistance in obtaining medical benefits for which he or she is eligible, such as short-term disability, long-term disability benefits, or disability retirement. An employee unable to perform assigned duties because of a job-related injury or illness may be entitled to additional benefits as provided by the school system in compliance with the Virginia Worker's Compensation Act.

HUMAN RESOURCES

Employment Actions and Records

Destaff--Teachers, Educational Administrators, and Instructional Assistants

This regulation supersedes Regulation 4250.5.

I. PURPOSE

To establish the procedure for destaff when a principal or program manager determines that an excess number of educational administrators, teachers, or instructional assistants are present at a particular work location.

II. DEFINITIONS

The definitions in this section shall apply for purposes of this regulation.

A. Destaff

The reassignment of an employee from a position or work location for reasons such as changing enrollments, budget allocations, or special program needs as determined by the principal, program manager, or Superintendent.

B. Teacher

An employee who holds a teacher-scale contract or who is paid on a teacher salary scale.

C. Educational Administrator

An employee who is contracted as an educational administrator and paid on the unified salary scale.

D. Instructional Assistant

An employee who is paid on the instructional assistant salary scale.

E. Teachers, Educational Administrators, and Instructional Assistants by Percentage of Employment

1. Full-Time Employee

A person employed on a full-day basis for an established number of contract days or workdays.

2. Part-Time Employee

A person employed on a less-than-full-day basis or a less-than-full-week basis for an established number of contract days or workdays.

F. Service

1. Teacher Service

The period of service from the effective date of employment as a teacher, beginning with the most recent term of continuing employment in a teaching position in Fairfax County Public Schools, including authorized leave(s) of absence.

If two or more teachers have the same length of service, they shall be ranked by date of contract offer that resulted in the most recent period of continuous teacher service and next, if necessary and available, by date of receipt of the application that resulted in the most recent continuous period of teaching employment and, finally, by lot.

For destaff designation, the service in a nonclassroom teacher-scale position, such as librarian, counselor, or reading teacher, shall be the period of service during which the employee has worked continuously in that position.

2. Educational Administrator Service

The period of service in an educational administrator position, beginning with the most recent term of continuing work on a permanent basis in that position in Fairfax County Public Schools, including authorized leave(s) of absence. The educational administrator position is determined by the five-digit position description code, excluding codes that represent staff development, acting, trade, or other temporary assignments.

If two or more employees have the same length of service in an educational administrator position, they shall be ranked by employment date of the most recent period of continuous service in the school system. If these dates are the same, they shall be ranked by lot.

3. Instructional Assistant Service

The period of service from the beginning of the most recent term of continuing employment as an instructional assistant or teacher in Fairfax County Public Schools, including authorized leave(s) of absence.

If two or more instructional assistants have the same length of service, they shall be ranked by date of the offer that resulted in the most recent period of continuous service as an instructional assistant and next, if necessary and available, by date of receipt of the application resulting in the most recent continuous period of employment and, finally, by lot.

G. Endorsement Areas and Areas Not Requiring a Specific Endorsement

1. Subject or Program Area

The teaching endorsement or educational administrator endorsement on the employee's Virginia teacher's license.

2. Grade Area

The teaching endorsement on the employee's Virginia teacher's license relating to elementary education.

3. Teacher Nonclassroom Subject Area

The specific license endorsement of a teacher having responsibilities outside the classroom. This area includes positions such as librarian, counselor, and reading teacher.

4. Curriculum Resource, School-Based Resource, or Specialty Area

A teaching area that may not require a specific license endorsement or an instructional assistant program area. Assignments in this area are not interchangeable, and designations for destaff shall be determined by the principal or program manager according to function rather than five-digit position description code.

H. Continuous Service

Employment with Fairfax County Public Schools, including authorized leave(s) of absence, without interruption. Temporary or hourly employment shall not be included in continuous service.

I. Work Location

The department, cluster office, school, or center to which the employee is assigned.

J. Active Assignment

1. Active Assignment, Teacher

The assignment in which the teacher is actively teaching or, if not actively involved in a classroom teaching or resource teacher assignment, the most recent permanent teaching assignment of a teacher on an authorized leave or in a temporary assignment.

The active assignment of a teacher shall be determined by the position key, with the following exceptions: elementary teaching assignments are grouped either as kindergarten or as grades 1-6, and the active assignments of curriculum resource, school-based resource, or specialty personnel are designated by function. All other elementary and middle school teacher positions shall be considered as separate active assignments.

If a teacher is actively working in two or more different permanent assignments, the one representing the longer period of daily time shall be the active assignment. If the assignments represent equal periods of daily time, the teacher may request a particular active assignment at the beginning of the school year by providing his or her preference in writing to the principal or program manager. In such a case, the principal or program manager shall designate the active assignment.

A destaffed school-based or curriculum resource teacher shall be assigned to the most recent subject, program, or grade area assignment and shall remain at the same work location if a position is available.

Itinerant teachers who are part of central programs are subject to destaff if programs are altered or eliminated during the budget or reorganization process. This would include GT itinerant teachers, fine arts itinerant teachers, and itinerant special education teachers who are not school-based. Teachers in these programs will be placed in a vacancy according to their endorsements and their last active classroom teaching assignments.

All teachers filling positions established through the budget reallocation process, known as a trade-off, are destaffed if the reallocation is not continued in a subsequent year.

All retirees are contracted for one year only. They are not subject to the destaff process. Their contracts are terminated at the conclusion of the school year.

Contracted adult education teacher positions shall be considered as separate active assignments. Destaff actions for adult education shall be treated independently. Destaffed adult education teachers shall not be assigned to K-12 positions in the elementary, middle, and high school programs, nor shall destaffed K-12 teachers be assigned to adult education vacancies. Destaffed adult education teachers and K-12 teachers may participate in the transfer process and may be selected into either program for which they are endorsed.

2. Active Assignment, Educational Administrator

The assignment, determined by the five-digit position description code, in which the educational administrator is working on a permanent basis or, if not actively working in that position, the most recent permanent educational administrator assignment of an employee on an authorized leave or the most recent permanent educational administrator assignment of an employee in a temporary assignment, such as acting or staff development in a different assignment.

3. Active Assignment, Instructional Assistant

The assignment, determined by the program in which the instructional assistant is working on a permanent basis. In the destaff process, the principal or program manager may elect to assign an instructional assistant designated for destaff to a vacant instructional assistant position in a different program.

K. Highly Qualified

1. A highly qualified teacher is defined as a teacher who either maintains a valid collegiate professional or postgraduate professional teaching license or has passed Praxis I and Praxis II, if applicable. In addition, all highly qualified teachers must be teaching in their endorsed subject areas.
2. A highly qualified instructional assistant is defined as an instructional assistant who possesses any one of the following: two years of college credit equal to 48 semester hours, an associate's degree, or passing scores on the ParaPro assessment.

III. FULL-TIME AND PART-TIME PERSONNEL

The procedures relating to destaff shall be applied separately and independently for full-time and part-time employees and by length of contract within the groups of part-time or full-time teachers or instructional assistants. Length of day shall not be a factor in the designation of full-time employees for destaff. Employees shall not be eligible to exercise employment rights involving longer contracts regardless of endorsement status or length of service.

Destaff decisions shall designate either part-time or full-time employees depending on the active assignment(s) in which an excess number of personnel can be found. A person employed part-time shall not be eligible under this procedure to exercise employment rights involving full-time positions regardless of endorsement status or length of service.

IV. DESTAFFING

A. Teachers

Whenever the principal or program manager determines that an excess number of teachers are working in active assignments in a particular school or work location, the teachers not endorsed in the active assignments shall be ranked by length of service for destaffing and shall receive a written notice from the principal or program manager advising them that destaffing is necessary, beginning with the least senior unendorsed teacher. If all teachers in the active class assignments are endorsed, the teacher(s) with the least service shall be designated for destaff action.

In schoolwide Title I schools, the teachers who do not meet the highly qualified standard may be subject to destaff or reassignment. In the case of destaff, teachers in the active class who do not meet the highly qualified standard shall be ranked by length of service beginning with the least senior teacher who is not highly qualified. If all teachers in the active class assignments are highly qualified, the teacher(s) with the least service shall be designated for destaff action.

Destaffed teachers shall be assigned to available vacancies in their active assignments, provided they are properly endorsed. If no vacancies are available in a teacher's active assignment, he or she shall be offered an available vacancy in an area in which he or she is endorsed or shall be temporarily assigned until a vacancy in an endorsement area becomes available at any location in the school system. In situations in which destaffed teachers are not endorsed in their active assignments, such teachers shall be assigned to vacancies for which they are endorsed. A teacher shall not be entitled to be placed in a vacancy with a longer contract as a result of a destaff action.

If a teacher refuses a position with Fairfax County Public Schools in an endorsement area in which he or she was actively teaching at the time of destaffing, the teacher shall be considered to have resigned his or her employment with the school system.

A teacher who successfully completes the endorsement for a critical subject area while on sabbatical leave shall be assigned to an appropriate vacancy in the new endorsement area, if available.

B. Educational Administrators

Whenever the Division Superintendent, or his or her designee, determines that an excess number of employees are assigned to educational administrator positions at a particular work location, the nonendorsed person(s) with the least seniority shall be designated for destaff first. If all are properly endorsed, they shall be ranked by seniority, the person(s) with the least service shall be designated for destaff action, and the principal or program manager shall provide written notice.

Personnel designated for destaff action shall be grouped by position code and ranked by seniority and assigned to available vacancies provided they are fully endorsed. If no vacancies are available in an educational administrator's active assignment, he or she may be subject to reduction-in-force procedures. An educational administrator shall not be entitled to a longer contract or a promotion but may be assigned to a longer contract to meet program needs.

If an educational administrator designated for destaff action refuses an available assignment in his or her administrative active assignment, that person shall be considered to have resigned his or her employment with the school system and shall not be entitled to recall.

C. Instructional Assistants

When an excess number of instructional assistants work in a particular program area at the work location, the principal or program manager may elect to assign an instructional assistant designated for destaff to a vacant instructional assistant position in a different program.

In schoolwide Title I schools, the instructional assistants in a particular program area at the work location who do not meet the highly qualified standard may be ranked by the length of service for destaffing and shall receive written notice from the principal or program manager advising them that destaffing is necessary, beginning with the least senior not highly qualified instructional assistant. If all instructional assistants in the active class assignment are highly qualified, the instructional assistant with the least service shall be designated for destaff action.

An instructional assistant destaffed from his or her work location shall be offered a vacant position in the same program at a different work location. If an assistant refuses the offer, he or she shall be considered to have resigned his or her employment with the school system.

D. Destaff Decision

When information needed to make a destaff decision is unclear, e.g., employment history or description of a prior job that no longer exists, the assistant superintendent, Department of Human Resources, shall make the decision based on the best available information and the spirit of this regulation.

E. Additional Training

When, as a result of destaff, an employee is assigned to work in an endorsement area or active class in which he or she has no recent active service, appropriate in-service and professional enrichment activities shall be offered to the employee.

V. EXCEPTIONS

Employees whose services are necessary to ensure efficient delivery of school services may be retained irrespective of length of service, endorsement status, percentage of employment, or contract length and shall not be subject to destaff. One individual within each assignment listed in sections A., B., or C. below shall be protected from destaff provided that individual is reassigned the same responsibilities during the following school year at the same location. If more than one employee holds any of the assignments listed in A., B., or C. below, only the employee with the most service shall be protected from destaff.

A. High and Secondary Schools

All categories I and II of the salary supplements regulations; certified trainers; the choral director; the department chairpersons for mathematics, English, English for speakers of other languages (ESOL), science, social studies, learning disabilities; and the Standards of Learning (SOL) lead teacher.

B. Middle Schools

School newspaper sponsor; school yearbook sponsor; Student Council Association sponsor; department chairpersons for mathematics, English, ESOL, science, social studies, and learning disabilities; middle school team leaders; and the SOL lead teacher.

C. Elementary Schools

SCA sponsors, safety patrol sponsors, and foreign language immersion teachers are considered as separate positions within the location for destaff.

D. International Baccalaureate Program (IB) and Advanced Placement Diploma Program (AP)

The coordinator for the IB or AP program.

Schools in the first year of implementation of an IB or AP program may destaff up to 1.0 position total. This position can come from mathematics, English, science, social studies, or foreign language in order to hire staff members for the program.

E. General

1. Should a vacancy occur in the active assignment and in the school from which a teacher has been destaffed, the destaffed teacher shall be returned to the former school, provided the vacancy occurs before the reporting contract date of the teacher. If multiple destaffs have occurred, length of service shall be used to designate the teacher eligible to return before the reporting contract date.
2. If all persons within an active assignment hold supplements or positions that protect them from destaff, but destaffing is nonetheless necessary, the principal or program manager shall decide who is to be destaffed.
3. If destaffing is necessary within teacher active assignments having employees with different lengths of contract, the teacher having the longest contract shall be retained regardless of length of service.

4. In physical education active assignments, gender shall be considered a bona fide occupational qualification in order to ensure adequate locker room supervision and may be a determining factor as well as length of service for destaffing decisions.
5. In destaffing teachers from the field of learning disabilities, the principal shall retain the most senior teacher who can successfully complete educational evaluations for the local screening committee.
6. Any teacher receiving a conditional reappointment shall not be subject to the destaff procedure at the conclusion of the school year in which the conditional reappointment was earned.
7. A full-time teacher who is split between two locations does not have rights to a full-time position at either location, should one become available. The teacher must apply for the position.
8. Two teachers who are filling one full-time position may be destaffed if the principal deems it necessary for program needs to fill the position with a full-time employee.

F. Other

A maximum number of 100 educational employees in addition to the above may be retained by the Division Superintendent irrespective of length of service, endorsement status, percentage of employment, or contract length and shall not be subject to destaff if their services are necessary to meet program needs.

HUMAN RESOURCES

Employment Actions and Records

Reduction in Force, Layoff, and Recall—Food Service Scale Employees

This regulation supersedes Regulation 4282.3.

I. PURPOSE

To establish procedures for reduction in force (RIF), layoff, and recall for employees covered under the food service compensation plan.

II. DEFINITIONS

The definitions below shall apply to these procedures.

A. Active Class

A group of positions that are (a) sufficiently similar as to kind or subject matter of work, level of difficulty and responsibility, qualifications, and requirements to warrant the use of the same title, (b) defined by the same specification, (c) assigned the same position code number, and (d) assigned the same salary grade.

1. Career ladder positions with the same position code number will make up one active class.
2. Food service worker I and food service worker II will make up one active class.
3. For payroll purposes, a few active class assignments may have the same title but two position codes, one designated as monthly and one designated as biweekly. These are considered as one active class.

B. Active Class Assignment

The position to which an employee is assigned when he or she becomes subject to the reduction-in-force procedures and its classification as determined by a five-digit numerical code.

1. The active class assignment for employees serving in an acting capacity or staff development capacity shall be the employee's active class prior to being temporarily assigned.
2. The active class assignment for an employee underfilling a position shall be the active class at which the position is authorized to be filled (i.e., the higher class).

C. Class Seniority

The beginning date of continuous service in a food service scale active class.

D. Continuous Service

Employment with Fairfax County Public Schools, including service with the Fairfax County government, without interruption, including leave(s) of absence and layoff time. Previous service that led to retirement from a county retirement system shall not be counted. Temporary and hourly employment is not included in continuous service.

E. Displacement

Removal of an employee from a position or location.

F. Layoff

Termination of employment that results from reduction in force and creates certain recall rights.

G. Probationary Employee

An employee serving an initial 12-month probationary period with the school system following new hire or promotion. (Employees promoted as part of a career ladder in which competitive selection is excluded are not on promotional probation.)

H. Service Seniority

The date of employment beginning with the most recent term of continuous service with Fairfax County Public Schools or Fairfax County government including authorized leaves of absence and layoff time. Temporary and hourly employment is not included in determining seniority.

I. Work Location

The school or center to which the employee is assigned. The central food service office is a separate work location.

III. REDUCTION-IN-FORCE PROCEDURES

A. Identification of Excess Employees

When it is necessary to reduce the workforce, the director of food and nutrition services shall identify the number of employees in each active class and at each work location in which there are an excess number of employees. At each work location, employees in active classes designated as excess shall be ranked in order of service seniority. The employee(s) with the lowest service seniority ranking shall be designated as excess.

B. Transfer and Displacement Requests

Employees designated as excess under this procedure will be placed on transfer lists for vacancies in their active classes. In addition, if the number of excess employees in an active class exceeds the number of vacancies, each excess employee will be given a list of approved active classes in the food services compensation plan. Each employee must inform the Department of Human Resources of any additional active classes in which the employee desires consideration for transfer or wishes to exercise displacement rights at the work location. This request must be made in writing within five workdays from receipt of the approved active class listing, or the employee will forfeit the right to transfer, displace, or be recalled into additional active classes. The Department of Human Resources shall review and determine the eligibility of all requests.

C. Transfer to Vacant Positions

1. A food service scale employee designated as excess in a work location may elect transfer to a vacancy in his or her active class or to an active class of equal or lower pay grade.
2. The Department of Human Resources shall prepare transfer lists that shall include the name of each excess employee in order of service seniority for his or her active class and for other active classes for which he or she qualifies in accordance with section III.C. If there are fewer vacancies than employees entitled to exercise transfer rights, said employees shall be ranked in order of service seniority for each active class. Employees shall be offered transfer to vacancies in order of service seniority.
3. When there is more than one vacancy, the assistant superintendent, Department of Human Resources, or his or her designee, shall determine the assignment of the transferring employee, taking into consideration the needs of the school system and the preference of the employee.
4. A manager who participates in the transfer procedure shall be required to accept an assigned transfer in his or her active class or be laid off.

5. An employee shall be required to accept a transfer assignment within five miles of the employee's previous work location or be terminated from employment with no recall rights. If the assigned vacancy for such employee is more than five miles from the employee's former workplace, the employee may, at his or her option, either accept the transfer or be laid off without severance pay.

D. Displacement

1. An employee who has no opportunity to transfer to a vacant position in his or her active class or an active class of equal pay grade may displace an employee having the least service seniority in a lower active class at his or her work location provided that the displacing employee has greater service seniority. The employee exercising displacement rights must meet the qualifications for the new position.
2. An employee who is displaced pursuant to this procedure will be allowed to be an excess employee and will be eligible to use the procedure set forth in this regulation.
3. An employee serving a probationary period following hire has no displacement rights. A probationary employee designated as excess shall be terminated without recall rights if he or she is not transferred to a vacant position.

IV. LAYOFF

An excess employee who is not placed under provisions for transfer or for displacement shall be laid off.

V. RECALL AND REEMPLOYMENT

- A. Employees who have completed the initial new-hire probationary period and who accept a demotion under this procedure or are laid off shall be entitled to recall to vacancies for a period of two years. Vacancies occurring while employees are eligible for recall shall be filled pursuant to the procedures used for transfers in section III. of this regulation.
- B. An employee will be removed from all recall lists when he or she accepts an assignment with a pay grade equal to his or her original active class assignment.
- C. If an employee is offered and rejects an opportunity for reemployment in the original active class, he or she shall forfeit all recall rights.

- D. If an employee rejects an opportunity for reemployment in a lower active class, his or her name shall be removed from the recall list for that active class and for all active classes of equal or lower pay grade. His or her name shall remain on recall lists for higher active classes.
- E. If an employee accepts reemployment in an active class of a lower pay grade than the original active class assignment, his or her name shall be deleted from all recall lists of active classes with lower grades than the new active class assignment. His or her name may remain on recall lists for active classes greater in grade than the new active class assignment.
- F. When an employee is to be recalled, he or she shall be notified by certified mail, return receipt requested, at the last address on record with the Department of Human Resources. If an employee is notified of recall and does not accept, in writing, the offer of reemployment within ten calendar days of receipt of the notice, all rights of recall shall be forfeited. If the notice of recall is undeliverable, the employee shall forfeit recall rights.

VI. PAY RETENTION PROVISIONS

- A. A regular employee who has completed the initial new hire probationary period and is displaced under this procedure will be redlined in accordance with the current version of Policy 4680 and authorized to receive the compensation of the former grade and pay rate (adjusted for cost-of-living allowances and step increases) for not more than two years. The employee shall continue to work the length of the work year on which the redlined salary was based.
- B. The salary of an employee serving a probationary period following promotion who is displaced under this procedure shall be adjusted in accordance with procedures governing demotion.
- C. An employee serving a probationary period following hire who accepts demotion under this procedure shall receive a salary in accordance with standard procedures for employment in that position.

VII. NOTICE AND SEVERANCE PAY

- A. Prior to layoff, when possible, an employee shall be given 30 calendar days notice. The notice of layoff to the employee shall be in writing and hand delivered or sent by certified mail delivery to the employee's work location or home address.
- B. Employees with at least two years of continuous service who are laid off during the contract year shall be entitled to severance pay. Employees laid off at the end of the contract year shall receive severance pay after it is determined that they will not be recalled on the first workday of the next contract year.

The amount of severance pay given to employees laid off in accordance with this procedure shall be based on the following formula:

YEARS OF SERVICE	WEEKS OF SEVERANCE PAY
2 through 5	3 weeks pay
6 through 10	4 weeks pay
11 through 15	5 weeks pay
16 or more	6 weeks pay

- C. Severance pay shall be forfeited by an employee who declines a transfer, a reassignment, or a demotion to a vacant position or who declines a displacement opportunity prior to the effective date of separation due to reduction in force.
- D. Less-than-12-month employees laid off prior to the end of the work year and 12-month employees laid off at any time during the work year shall receive severance pay in accordance with regular school system biweekly and monthly pay period compensation after their regular salary has been expended. Less-than-12-month employees laid off at the end of the contract year shall receive severance pay after it is determined that they will not be recalled on the first workday of the next contract year. Employees will not accrue leave or other benefits related to severance pay.
- E. Severance payments to an employee shall cease if not paid in full at the time of reemployment to a position with Fairfax County Public Schools or with the Fairfax County government.

VIII. DIFFERENCE IN CONTRACT DAYS

The procedures of this regulation shall be applied separately for 12-month employees and for less-than-12-month employees.

IX. FULL-TIME AND PART-TIME STAFF MEMBERS

The procedures of this regulation shall be applied separately for full-time and part-time staff members.

X. MISCELLANEOUS

- A. When information needed to make a reduction-in-force, layoff, or recall decision is unclear, or when there are disputes between two or more employees regarding their rights to a position, the assistant superintendent, Department of Human Resources, shall make the decision based on the best available information and based on the spirit of this regulation.

- B. When advised of a reduction in force, the assistant superintendent, Department of Human Resources, shall prepare a reduction-in-force roster ranking each employee within the affected class(es) at each work location. This roster shall be open for employee inspection.
- C. An employee on layoff status shall be offered vacancies for which he or she is eligible in preference to actively employed food service employees seeking voluntary transfers from one work location to another.
- D. In situations in which two or more employees have the same service seniority date, they shall be ranked by their class seniority. If two or more employees have the same service seniority and the same class seniority dates, the director of food and nutrition services shall rank them.
- E. An employee on layoff status shall receive preferential consideration for substitute work in the food service program and shall be compensated pursuant to the standard operating procedures for substitute food service employees.
- F. The provisions of this regulation do not apply to reclassification or to any change in the number of work hours.

XI. RECIPROCITY

Former food service employees who are designated as excess while serving in positions with different compensation plans are entitled to transfer opportunities in accordance with the provisions of this regulation. Likewise, food service employees who have served in positions with different compensation plans shall be entitled to transfer or displacement opportunities in accordance with Fairfax County Public Schools regulations on destaff, layoff, and recall.

See also the current version of: Policy 4680, Salary Redlining Procedure

Human Resources

Employment Actions and Records

Reduction in Force, Layoff, and Recall--US-Scale Support Employees

This regulation supersedes Regulation 4284.2.

I. PURPOSE

To establish procedures for reduction in force (RIF), layoff, and recall of support employees. The Division Superintendent shall implement such procedures when the School Board has determined that the number of employees exceeds school system requirements as a result of actions taken to abolish or change positions because of lack of funds, to delete a program or project, or to restructure the organization.

II. DEFINITIONS

The definitions in this section shall apply for purposes of this regulation.

A. Active Class

A single position or a group of positions that are: (a) considered similar as to kind or subject matter of work, level of difficulty and responsibility, qualifications, and requirements to warrant the use of the same title, (b) defined by the same specification, (c) assigned the same position code number, and (d) assigned the same salary grade.

1. Career ladder positions with the same position code number make up one active class.
2. An active class may include only one position.
3. For payroll purposes, a few active class assignments may have the same title but two position codes, one designated as monthly and one designated as biweekly. These are considered one active class.

B. Active Class Assignment

The position to which an employee is assigned when he or she becomes subject to the reduction-in-force procedures and its classification as determined by a five-digit numerical code.

1. The active class assignment for employees serving in an acting or staff development capacity shall be the employee's active class prior to being temporarily assigned.

2. The active class assignment for an employee in an underfill position shall be the active class at which the position is authorized to be filled (i.e., the higher class).

C. Class Seniority

The beginning date of continuous service in an active class. In cases of displacement, class seniority ranking of the affected employee is determined by continuous service from the date the employee first entered the secondary class.

D. Continuous Service

Employment with Fairfax County Public Schools (including service with the Fairfax County government) without interruption, including leave(s) of absence and layoff time. Previous service that led to retirement from a county retirement system shall not be counted. (Temporary and hourly employment are not included in continuous service.)

E. Displacement

The reassignment of an employee from a position by application of procedures described in this regulation.

F. Full-Time Staff Member

An employee who works an established number of contract days or workdays for a full day.

G. Layoff

Termination that results from displacement or reduction in force and creates certain recall rights.

H. Part-Time Staff Member

An employee who works an established number of contract days or workdays for less than a full day or less than a full week.

I. Probationary Employee

An employee serving an initial 12-month probationary period with the school system following new hire or promotion. (After one year of service in the active class, employees promoted as part of a career ladder in which competitive selection is excluded are not on promotional probation.)

J. Reduction in Force (RIF)

The action taken to reduce the number of allocated positions in the school system. The Division Superintendent is authorized by the School Board to implement the required reduction-in-force action when a reduction in force is necessary because of budget or program changes.

K. Secondary Class

An equal or lower graded active class to which an employee was previously assigned for a period of one year or more during his or her continuous service with Fairfax County Public Schools. Secondary class shall not include any active class from which the employee was removed for disciplinary or performance reasons.

L. Service Seniority

The date of employment beginning with the most recent term of continuous service with Fairfax County Public Schools and Fairfax County government, including authorized leaves of absence and layoff time. (Temporary and hourly employment are not included in determining seniority.)

M. Temporary Staff Member

An employee who is paid on an hourly basis and who works as needed.

N. Work Location

The department, cluster office or Superintendents' office, school, or special services center to which the employee is assigned.

III. REDUCTION-IN-FORCE PROCEDURE

A. Authorization

The Division Superintendent may implement the reduction-in-force (RIF) procedures when the School Board determines that the number of employees exceeds school system requirements. All positions held by temporary staff members in the affected work location shall be examined by the appropriate assistant superintendent or cluster director to determine which employees are essential and who can be separated prior to implementation of the reduction-in-force procedure.

B. Identification of Active Classes

1. The cluster director or assistant superintendent shall recommend the active class(es) within a work location in which there is an excess number of employees. The Division Superintendent shall determine final approval of the affected classes and numbers to be reduced.
2. The assistant superintendent, Department of Human Resources, may suspend the filling of any vacant position for active classes to be included in the scheduled reduction-in-force action, as well as all lower-graded classes within all class series of which said affected classes are a part and any other active class in which placement of a displaced employee may be likely. Such action may occur from the date the assistant superintendent, Department of Human Resources, becomes aware of the scheduled reduction in force until the effective date of transfer or separation of an employee or employees under the reduction-in-force action.

C. Identification of Excess Employees

For each work location, employees in active classes designated as excess shall be subject to the following procedures:

1. Probationary Employees

- a. Probationary employees shall be ranked separately from regular employees who have successfully completed their probationary periods and shall be designated as excess before regular employees who have completed their probationary periods.
- b. Employees serving probationary periods following hire or promotion shall be ranked by service seniority. The employee(s) with the lowest service seniority ranking shall be designated as excess.

An employee in the first year of employment designated as excess may apply for transfer under the terms listed in section E.1. below. If no transfer is approved, the employee shall be terminated without recall rights.

Promotional probationary employees designated as excess may be placed under the terms listed in section E.1. below and may displace employees in secondary classes under the conditions listed in section F. below.

2. Regular Employees

Employees who have completed their probationary periods in active classes designated as excess shall be ranked in order of service seniority. The employee(s) with the lowest service seniority ranking shall be designated as excess.

D. Secondary Class Placement Rights

If the Department of Human Resources staff determines that the number of excess employees exceeds available opportunities for voluntary transfer, employees designated as excess shall be given a list of Fairfax County Public Schools approved active classes. Each employee must inform the Department of Human Resources of all secondary classes in which the employee claims placement rights. This request must be received in writing by the Department of Human Resources within five working days from receipt of the active class listing or the employee shall forfeit rights to secondary class assignment(s). The Department of Human Resources shall review and certify the eligibility of all requests.

E. Placement in Vacant Positions

1. The Department of Human Resources staff shall determine vacancies to which general transfers can be made. An employee designated as excess may request transfer to a vacancy in his or her work location or in another work location in an active class that is at an equal or lower grade. Transfer to such a vacancy is voluntary. The employee must meet the minimum qualifications for the vacant position. All transfers must be recommended by the appropriate cluster director or assistant superintendent and approved by the Department of Human Resources staff.
2. If a transfer is not approved under section E.1. above, the employee shall be assigned to a vacancy in his or her active class in another work location. When the number of excess employees exceeds the number of vacancies, placement priority shall be determined by service seniority. Transfer to such a vacancy is mandatory and, if refused, the employee shall be terminated without recall rights and without severance pay.
4. An employee shall be offered assignment in a vacancy in a secondary class within the same work location or in a different work location. Such transfer is optional; however, employees may not displace other employees in a secondary class in which they have refused transfer to a vacant position under this section. When the number of excess employees exceeds the number of vacancies, placement priority shall be determined by service seniority.

F. Displacement

If assignment pursuant to sections E.1., E.2., or E.3. is not made, an employee is eligible to displace within active and secondary classes according to the following procedures:

1. An employee designated as excess may displace a probationary employee or an employee with less service seniority in a secondary class within the same work location. Probationary employees shall be displaced first in order of service seniority followed by the least senior regular employee(s) if necessary.

Displacement shall be administered in order of secondary classes previously held by the employee. Placement priority of excess employees shall be determined by service seniority. Employees designated as excess who claim secondary class placement rights in accordance with section III.D. shall be assigned to the first displacement opportunity for which they are eligible. Acceptance of the assignment is optional; however, an employee who refuses an assignment in a secondary class for which he or she is eligible shall forfeit displacement rights to all secondary classes at all work locations.

2. If not assigned under the terms in paragraph 1., above, an employee designated as excess may displace, within the same active class, a probationary employee or an employee with less service seniority at another work location. Probationary employees shall be displaced first in order of service seniority followed by the least senior regular employee(s) if necessary.

Placement priority of excess employees shall be determined by service seniority. Acceptance of the assignment is mandatory. An employee who refuses assignment under this section shall be laid off.

3. If not assigned under the terms in paragraph 2., above, an employee designated as excess may displace a probationary employee or an employee with less service seniority at another work location in a secondary class. Probationary employees shall be displaced first in order of service seniority followed by the least senior regular employee(s) if necessary.

Displacement shall be administered in order of secondary classes previously held by the excess employee. Placement priority of excess employees shall be determined by service seniority. Employees shall be assigned to the first displacement opportunity for which they are eligible. Acceptance of the assignment is mandatory. An employee who refuses assignment under this section shall be laid off.

4. Employees exercising options under paragraphs 1., 2., or 3., above, must exercise these rights in sequential order. A binding decision must be made to exercise or not to exercise one option before proceeding to the next option.
5. An excess employee who is not placed under the above provisions shall be laid off.
6. An employee who is displaced pursuant to this procedure shall be deemed to be an excess employee and shall be eligible to use the procedure set forth in this regulation.

IV. RECALL AND REEMPLOYMENT

- A. Employees who have completed the initial new hire probationary period, who accept a demotion under this procedure, or who are laid off shall have their names placed on a recall list for their active class and for certified secondary classes. Employees on the recall list shall be accorded first opportunity for reemployment in order of service seniority. Employees who return to positions under this procedure shall be treated as reinstatements with respect to pay and leave accrual.
- B. Employees shall remain on recall lists created under this procedure for two years.
- C. Employees shall be removed from all recall lists when they accept a position with a pay grade equal to their active class.
- D. If an employee is offered and rejects an opportunity for reemployment in the active class, he or she shall forfeit all recall rights.
- E. If an employee rejects an opportunity for reemployment in a secondary class, his or her name shall be removed from the recall list for that class and for all secondary classes of equal or lower grade. His or her name shall remain on recall lists for a higher graded active class previously held.
- F. If an employee accepts reemployment in a secondary class of a grade lower than that of the active class, his or her name shall be deleted from all recall lists of secondary classes with lower grades than the new active class. His or her name may remain on recall lists for the prior active class and for secondary classes greater in grade than the new active class.
- G. Temporary positions that become available in an active class in which there are people with recall rights shall be offered to people with reemployment rights in that classification on the basis of seniority. Employees who accept temporary positions shall remain eligible for reemployment as described above.

- H. When an employee is to be recalled, he or she shall be notified by certified mail (return receipt requested) at the last address on record with the Department of Human Resources. If an employee is notified of recall and does not accept, in writing, the offer of reemployment within ten calendar days of receipt of notice, all rights of recall shall be forfeited. If the notice of recall cannot be delivered, the employee shall forfeit recall rights.
- I. An employee serving a probationary period following promotion is eligible for recall to secondary class positions only.

V. PAY RETENTION PROVISIONS

- A. A regular employee who has completed the probationary period and accepts a demotion under this procedure shall be "redlined" in accordance with the current version of Policy 4680 and authorized to be compensated at the employee's current level of pay for not more than two years. The employee shall work the number of contract days for which he or she is paid.
- B. When an employee serving a promotional probationary period is demoted, his or her salary shall be adjusted in accordance with procedures governing demotion.
- C. When a newly hired probationary employee accepts demotion under this procedure, he or she shall receive a salary in accordance with standard procedures for employment in that position.

VI. NOTICE, SEVERANCE PAY, AND BENEFITS

- A. Prior to layoff, when possible, an employee shall be given 30 calendar-days notice. The notice of layoff to the employee shall be in writing and hand delivered or sent by certified mail delivery to the employee's work location or home address.
- B. Severance pay shall be given to employees laid off in accordance with the current version of Regulation 4680. Severance payments shall cease upon reemployment by the school system.
- C. Severance pay shall be forfeited by an employee who declines a transfer, reassignment, or demotion to a vacant position or who declines a displacement opportunity prior to the effective date of separation due to reduction in force.
- D. Less-than-12-month employees laid off prior to the end of the contract year, and 12-month employees laid off at any time during the contract year, shall receive severance pay in accordance with regular school system biweekly and monthly pay period compensation after their regular salary has been expended. Less-than-12-month employees laid off at the end of the contract year shall receive severance pay after it is determined that they will not be recalled on the first

workday of the next contract year. Employees shall not accrue leave or other benefits related to severance pay.

- E. Severance payments to an employee shall cease if not expended upon reemployment to a position with Fairfax County Public Schools or with the Fairfax County government.

VII. FULL-TIME AND PART-TIME STAFF MEMBERS

The procedures of this regulation shall be applied separately for full-time and part-time staff members.

VIII. DIFFERENCE IN CONTRACT DAYS

The procedures of this regulation shall be applied separately for 260-day employees and for less-than-260-day employees.

IX. TEMPORARY STAFF MEMBERS

Temporary staff members work at the discretion of the principal or program manager and shall have no rights under this regulation.

X. MISCELLANEOUS

- A. When determining excess employees and preparing lists for assignment, displacement, and recall in active and secondary classes, the Department of Human Resources staff shall establish the following categories for each class: full-time 12-month, part-time 12-month, full-time less-than-12-month, and part-time less-than-12-month. Employees shall be placed on the lists for their eligible active and secondary class(es) by the category(ies) that applied when they served in their position(s).
- B. Notwithstanding any other provisions of this procedure, the Division Superintendent may exempt 100 employees in any fiscal year from reduction in force and displacement and may determine their placement under this provision.
- C. When advised by the School Board of a reduction in force, the assistant superintendent, Department of Human Resources, shall prepare a reduction-in-force roster ranking each employee within the affected active class(es). This roster shall be open for employee inspection.
- D. When employees have the same service seniority date, they shall be ranked by their class seniority. If two or more employees have the same service seniority dates and the same class seniority dates, the last four digits of their social security numbers shall rank them. The employee ranked lowest numerically will be considered for layoff first. Lot shall break further ties.

- E. Employees designated as excess in accordance with this regulation may apply for transfer, promotion, and demotion to other Fairfax County Public Schools vacancies in accordance with Fairfax County Public Schools regulations. No vacancy shall be filled by such voluntary transaction if another employee is denied the right to the position in an active or secondary class as provided by this regulation.
- F. When information needed to make a reduction-in-force, layoff, or recall decision is unclear, or when there are disputes between two or more employees regarding their rights to a position, the assistant superintendent, Department of Human Resources, shall make the decision based on the best available information and the spirit of this regulation.

XI. RECIPROCITY

This regulation affects all Fairfax County Public Schools employees assigned to support employee positions. Support employees who have served in positions with different compensation plans shall be entitled to transfer or exercise displacement opportunities in accordance with Fairfax County Public Schools regulations covering destaffing, reduction in force, layoff, and recall. Likewise, former support employees who are designated as excess while serving in positions with different compensation plans are entitled to transfer or to exercise displacement opportunities in accordance with this regulation.

XII. ORGANIZATIONAL RESTRUCTURING

When organizational restructuring results in significant changes in duties and responsibilities associated with the positions in the department, cluster or superintendents' office, incumbents shall be displaced by applying reduction-in-force procedures.

See also the current versions of: Policy 4680, Salary Redlining Procedure
Regulation 4680, Salary Guidelines--Reduction in Force

HUMAN RESOURCES

Employment Actions and Records

Reduction in Force, Layoff, and Recall--Educational Administrators, Teachers, and Instructional Assistants

This regulation supersedes Regulation 4285.2

I. PURPOSE

To establish the procedure for reduction in force (RIF), layoff, and recall for educational administrators, teachers, and instructional assistants when there is an excess of these employees in the school system. Such actions result from the abolishment or change of positions because of a lack of funds, insufficient student enrollment, deletion of a program, or organizational restructuring.

II. DEFINITIONS

The definitions in this section shall apply for purposes of this regulation.

A. Employment Actions

1. Reduction in Force (RIF)

The action taken to reduce the number of allocated positions in the school system. The Division Superintendent is authorized by the School Board to implement the required reduction-in-force action when a reduction in force is necessary because of budget or program changes.

2. Displacement

The reassignment of an employee from a position by application of procedures described in this regulation.

3. Layoff

Termination that results from displacement or reduction in force and that creates certain recall rights.

4. Organizational Restructuring

Significant changes in duties and responsibilities associated with the positions in a department or office. In such a reorganization, incumbents shall be displaced by applying reduction-in-force procedures.

When information needed to make a decision about reduction-in-force, layoff, or recall is unclear, the assistant superintendent, Department of Human Resources, shall make the decision based on the best available information and the spirit of this regulation.

B. Teacher

An employee who holds a teacher-scale contract or who is paid on a teacher salary scale.

C. Educational Administrator

An employee who holds an educational administrator contract and who is paid on the unified salary scale (US scale).

D. Highly Qualified

1. Highly Qualified Teacher

A highly qualified teacher is defined as a teacher who maintains either a valid collegiate professional or postgraduate professional teaching license or a valid provisional or special education license and has passed Praxis II examination, if applicable to his or her teaching endorsement or highly qualified special education status. In addition, all highly qualified teachers must be teaching in their endorsed subject areas.

2. Highly Qualified Instructional Assistant

A highly qualified instructional assistant is defined as an instructional assistant who possesses any one of the following: two years of accredited college or university credit equal to 48 semester hours, an associate's degree or higher, or passing scores on the ParaPro Assessment.

E. Instructional Assistant

An employee who is paid on the instructional assistant salary scale.

F. Teachers, Educational Administrators, and Instructional Assistants by Percent of Employment

1. Full-Time Employee

A person employed for an established number of contract days or workdays for a full day.

2. Part-Time Employee

A person employed for an established number of contract days or workdays for less than a full day.

G. Service

1. Teacher Service

The period of service from the effective date of employment as a teacher, beginning with the most recent term of continuing employment in a teaching position in Fairfax County Public Schools, including authorized leave(s) of absence. Part-time service shall be determined by adding percentages of contract per year until a full year can be credited.

If two or more teachers have the same length of service, they are ranked by date of contract offer that resulted in the most recent period of continuous teacher service and, if necessary and available, by date of receipt of the application that resulted in the most recent continuous period of teaching employment and, finally, by lot.

For layoff designation, the service in a nonclassroom, teacher-scale position, such as librarian, counselor, or reading teacher shall be the period of service during which the employee has worked continuously in that position. An employee designated for layoff from one of these positions may exercise displacement rights as provided in section IV.A.5.

2. Educational Administrator Service

The period of service in an educational administrator position, beginning with the most recent term of continuing work on a permanent basis in that position in Fairfax County Public Schools, including authorized leave(s) of absence. Part-time service shall be determined by adding percentages of contract per year until a full year can be credited.

The educational administrator position is determined by the five-digit position description code, excluding codes that represent staff development, acting, trade, or other temporary assignments. A former assignment may be determined by job responsibilities and duties when a management reorganization or reclassification has resulted in a change in the five-digit position description number and/or job title.

Successive periods of service in different educational administrator assignments, or in teaching assignment(s) followed by educational administrator assignment(s), are not cumulative unless an employee is exercising displacement rights following a RIF from his or her educational administrator position. At that time, the employee shall be credited with the amount of service in the position in which displacement is exercised plus all increments of service accrued thereafter in educational administrator positions.

If two or more employees have the same length of service in an educational administrator position, they are ranked by employment date of the most recent period of continuous service in the school system. If these dates are the same, they shall be ranked by lot.

3. Instructional Assistant Service

The period of service from the beginning of the most recent term of continuing employment as an instructional assistant or teacher in Fairfax County Public Schools, including authorized leave(s) of absence.

If two or more instructional assistants have the same length of service, they are ranked by date of the offer that resulted in the most recent period of continuous service as an instructional assistant and, if necessary and available, by date of receipt of the application resulting in the most recent continuous period of employment and, finally, by lot.

H. Endorsement Areas and Areas Not Requiring a Specific Endorsement

1. Subject or Program Area

The teaching endorsement or educational administrator endorsement on the employee's Virginia teachers license.

2. Grade Area

The teaching endorsement on the employee's Virginia teachers license relating to elementary, middle, and high school education.

3. Teacher Nonclassroom Subject Area

The specific certificate endorsement of a teacher having responsibilities outside the classroom. This area includes positions such as librarian, counselor, and reading teacher.

4. Curriculum Resource, School-Based Resource, or Specialty Area

A teaching area that may or may not require a specific certificate endorsement. Assignments in this area are not interchangeable, and designations for layoff shall be determined by the cluster assistant superintendent or assistant superintendent, Department of Human Resources, according to function rather than five-digit position description code.

I. Active Assignment

1. Active Assignment, Teacher

The assignment in which the teacher is actively teaching or, if not actively involved in a classroom teaching or resource teacher assignment, the most recent permanent teaching assignment of a teacher on an authorized leave or in a temporary assignment.

2. Active Assignment, Educational Administrator

The assignment in which the educational administrator is working on a permanent basis or, if not actively working in that position, the most recent permanent educational administrator assignment of an employee on an authorized leave or the most recent permanent educational administrator assignment of an employee in a temporary assignment, such as acting or staff development in a different assignment.

The active assignment of an employee is determined by the five-digit position description number, with the following exceptions: elementary teaching grades are grouped as kindergarten and grades 1-6; all instructional assistants are designated as one group; an employee in an acting or staff development assignment retains his or her most recent permanent active assignment; and the active assignments of curriculum resource, school-based resource, or specialty personnel are designated by function.

If an employee is actively working in two or more different permanent assignments, the one representing the longer period of daily time shall be the active assignment. If the assignments represent equal periods of daily time, the employee may request a particular active assignment at the beginning of the year by providing his or her preference in writing to the principal. The active assignment shall be designated by the program manager.

A former active assignment may be determined by job responsibilities and duties when a management reorganization or reclassification has resulted in a change in the five-digit position description number and/or job title.

III. REDUCTION IN FORCE AND RECALL--TEACHERS AND EDUCATIONAL ADMINISTRATORS

The procedures relating to reduction in force and recall within an active assignment shall be applied separately and independently for employees on continuing contract and for employees on annual contract. Full-time and part-time employees shall be considered by cumulative service credit and by length of contract.

Whenever it is determined that it is necessary to lay off employees in an active assignment, all employees on annual contract shall be laid off before any employees on continuing contract are laid off. Employees on shorter contracts shall be laid off before employees on longer contracts. Length of day shall not be a factor in the designation of employees for layoff.

A part-time employee shall not be eligible under this procedure to exercise employment rights involving longer contracts or full-time positions regardless of endorsement status or length of service. Full-time employees shall not be eligible to exercise employment rights involving longer contracts regardless of endorsement status or length of service.

Reduction-in-force procedures shall be implemented when the destaff process has first been applied to accomplish a placement in any area of endorsement.

IV. REDUCTION IN FORCE

An employee shall be given thirty (30) calendar days notice, when possible, prior to the effective date of layoff. The notice of layoff shall be in writing and hand-delivered or sent by certified mail to the employee's work location or home address.

Within five working days from notification of layoff, educational administrators shall provide a listing of all previous jobs held in Fairfax County Public Schools, including dates and work locations, to the assistant superintendent, Department of Human Resources.

A. RIF Procedures for Teachers

Whenever the School Board or the Division Superintendent, as the Board's designee, determines that there is an excess of employees in an active assignment in the school system, the following procedure shall apply to teachers, by annual and continuing contract status, as stated in section III.:

1. A systemwide employee list based on service and endorsement(s) shall be prepared. This list shall include all persons currently employed by Fairfax County Public Schools in the active assignment, including persons on authorized leaves of absence, persons in the active assignment immediately prior to being assigned to a temporary acting or staff development position, and any employees who have been subject to RIF procedures and are entitled to displacement rights in that active assignment. Endorsements obtained subsequent to the date the service lists are prepared shall not affect the reduction-in-force action.
2. The unendorsed employees on the service list of an active assignment shall be designated for layoff first, beginning with unendorsed employees having the least service. If all employees in an active assignment are properly endorsed, or if an endorsement is not required, employees having the least service shall be designated for layoff.
3. In schoolwide Title I schools, the teachers who have not met the highly qualified standards shall be ranked by length of service for reduction in force, beginning with the least senior teacher who is not highly qualified. If all teachers in the active class assignment are highly qualified, the teacher(s) with the least service shall be designated first for layoff.
4. The procedure described above shall also be used when there is an excess of employees in an active assignment affected by reduction in force in another active assignment.
5. In a RIF action, the following provisions apply to school-based or nonschool-based teachers who hold Virginia teachers licenses.
 - a. Teachers designated for layoff shall displace employees with less service in other subject, program, or grade areas for which the teachers who have been subject to RIF procedures are endorsed, unless they elect to be laid off. Teachers who are displaced in the RIF action may also exercise displacement rights in other areas of endorsement where there are teachers with less service.

- b. Based on program considerations and the need to place other employees designated for layoff, the assistant superintendent, Department of Human Resources, or his or her designee, shall determine the active assignment for displacement by any employee endorsed in more than one area.

B. RIF Procedures for Educational Administrators

The reduction-in-force procedure discussed in section IV.A. above shall apply to educational administrator positions with the following modifications:

1. Service credit exists within each educational administrator assignment. Should an administrator lose his or her current position through reduction in force, he or she shall be entitled to displace the administrator with the least service in an existing active assignment on any administrator scale previously held by the employee who has been subject to RIF procedures, provided this action does not result in a promotion. This restriction regarding promotion shall not apply when the displacement represents a promotion because of classification changes or realignment of salary scales rather than changes of position responsibilities after the time when the employee who was subject to the RIF procedures held the position.
2. Displacement rights shall be applied in reverse chronological sequence of positions held, starting with the most recent position. Upon placement, cumulative educational administrator position service is credited for the service in the administrator's position that was subject to RIF procedures and the service held for the position into which he or she is exercising displacement rights.

If an employee entitled to displacement rights in an active assignment has less accumulated administrator service than other employees in that active assignment, he or she shall again be subject to RIF procedures and shall be entitled to displace the administrator(s) with the least service in the next most recent active assignment held as provided in section IV.B.1.

If an educational administrator who has been a teacher in the school system cannot exercise displacement rights within another administrator assignment, he or she shall be entitled to a teaching position for which he or she is endorsed. If no suitable vacancy exists, he or she shall be entitled to displace the teacher with the least service in an area for which the educational administrator is endorsed.

An educational administrator who has been subject to RIF procedures and who has not held another school system position shall be eligible to apply for a vacant teacher or educational administrator position for which he or she meets the advertised job standards after employees entitled to that vacant position have been placed or recalled.

3. Educational administrators who elect not to exercise displacement rights shall be laid off and shall be entitled to recall rights.

C. RIF Procedures for Instructional Assistants

The procedures relating to RIF shall be applied separately and independently for full-time and part-time instructional assistants. Systemwide lists based on instructional assistant service shall be prepared. When there is a reduction in force, all part-time instructional assistants shall be laid off before full-time assistants, and, within those two groups, the instructional assistants with the least instructional assistant service will be designated first for layoff.

Instructional assistants who have not met the highly qualified standard shall be designated for reduction in force first, beginning with those employees who are not highly qualified and have the least service. If all instructional assistants in an active assignment are highly qualified, or if a highly qualified designation is not required, employees having the least service shall be designated for layoff.

D. Salaries and Severance Pay

Salaries of employees who have been subject to RIF procedures and have moved into other full-time positions with lower salaries shall be redlined for a period of two years in accordance with the current version of Policy 4680, and such employees shall work the length of day and number of days represented by that redlined salary.

Beginning with the effective date of layoff, full-time and part-time employees who have not declined displacement or recall offers shall receive severance pay as described in the current version of Regulation 4680. Severance payments shall cease upon reemployment by the school system.

E. Employment Responsibility

During a period of reduction in force, the School Board shall limit the hiring of teachers, educational administrators, and instructional assistants, where applicable, to those for positions that cannot be filled by qualified employees in active assignments or on layoff. This provision shall not entitle an employee to a promotion, but neither shall it prevent an employee from a promotion resulting from the selection process. Employees currently employed may be transferred

to vacant positions for which they are qualified in order to provide employment for employees who have been laid off.

V. RECALL

A. Service Credit

Employees on layoff are terminated; however, upon recall to active employment, they shall receive all previously accumulated service credit.

B. Notification

1. In order to retain recall rights, employees who have been laid off must notify the Department of Human Resources annually, in writing, and no later than July 1, of their continued availability for reemployment. It is the responsibility of the individual to notify the Department of Human Resources of any change of address.
2. When an employee is to be recalled, he or she shall be notified by certified mail (return receipt requested) at the last address on record with the Department of Human Resources. If an employee is notified of recall and does not provide written acceptance of the offer of reemployment within ten calendar days of receipt of notice, all rights of recall shall be forfeited. If the notice of recall cannot be delivered, the employee shall forfeit recall rights.

C. Recall Procedure

The procedure described below shall be applied separately for full-time and part-time employees. It shall also be applied separately for employees on contracts of different lengths.

1. Teachers

Teachers who are laid off shall be placed on a recall list ranked by length of service, with endorsement area(s) designated for each person. When a vacancy occurs, the teacher on layoff with the most service shall be entitled to the position if he or she is endorsed.

If the vacancy is not in his or her active assignment, the endorsed teacher with the most service may decide whether or not to take the position. If the teacher elects not to take the position, he or she shall forfeit recall rights in that active assignment but shall retain recall rights in other active assignment areas for which he or she is endorsed. If the vacancy is in the teacher's active assignment, he or she must accept the position or lose all recall rights.

After all endorsed employees have been recalled or have forfeited recall rights, a vacancy shall be offered to the unendorsed teacher who has been laid off and who has the most service, provided he or she will make a commitment to become certified for the position within a period of one year.

Vacancies that occur in nonclassroom assignments, or in assignments for which no certification endorsements are required, may be filled by recall action or by the transfer of actively employed personnel if the subsequent vacancy results in the recall of an employee on layoff status.

2. Educational Administrators

Educational administrators who are laid off shall be ranked by length of service in their active assignments and by length of service in other active assignments they have held in lower unified scale job groups and in teacher assignments. Employees who are endorsed for the active assignment and who meet the job hiring standards are ranked ahead of other employees. Educational administrators who exercise displacement rights in a RIF action shall also be eligible for reassignment pursuant to the recall procedure as though they had been laid off and shall be placed on the recall list in rank order according to service in the active assignment.

When a vacancy occurs, the endorsed person on the recall list with the most service in the active assignment shall be entitled to the position. If the vacancy is in a lower job group or in an active teacher assignment for which the employee has the most service and is endorsed, the employee may decide whether or not to take the position. If the employee elects not to take the position, he or she shall forfeit recall rights in that active assignment but shall retain recall rights in other active assignments in which he or she has the most service and is endorsed. If the person elects not to accept the position in his or her active assignment, he or she shall be deemed to have forfeited entitlement to recall.

After all endorsed employees have been recalled or have forfeited recall rights, a vacancy shall be offered to the unendorsed employee with the most service, provided he or she will make a commitment to become certified for the position within a period of one year.

Vacancies that occur in assignments for which no certification endorsements are required may be filled by recall action or by the transfer of actively employed personnel if the subsequent vacancy results in the recall of an employee on layoff status.

3. Instructional Assistants

Instructional assistants who are laid off shall be placed on a recall list ranked by length of service on the instructional assistant salary scale. When an instructional assistant vacancy occurs, the person on layoff with the most service as an instructional assistant shall be entitled to the position. If the instructional assistant elects not to take the position, he or she shall forfeit recall rights.

4. Part-Time Vacancies

A full-time employee on layoff may elect to accept a part-time vacancy by service order in his or her active assignment provided he or she is endorsed, if required, in the area of the vacancy. A full-time employee electing to accept a part-time position in his or her active assignment shall still retain recall rights to full-time positions. A full-time employee forgoing such alternative employment shall retain his or her recall rights.

5. Shorter Contracts

A full-time employee on layoff may elect to accept a shorter contract by service order in his or her active assignment provided he or she is endorsed, if required, in the area of the vacancy. Such a full-time employee electing to accept a shorter contract in his or her active assignment shall still retain recall rights to the former longer contract. A full-time employee forgoing such alternative employment shall retain his or her recall rights.

6. Time Limit

Employees who have not been recalled within three years from date of layoff shall have no further right of recall under this procedure.

VI. IN-SERVICE ACTIVITIES

When, as a result of reduction in force, a teacher or educational administrator is to be assigned in an endorsement area or level of an endorsement area in which he or she has not been recently active, appropriate in-service activities will be offered to the employee.

VII. EXCEPTIONS

Employees who are necessary to ensure efficient delivery of school services as indicated below and who have a good record of classroom teaching performance may be retained irrespective of length of service, endorsement status, or percent of

employment and shall not be subject to layoff or displacement provided they are within the assignments listed below. These assignments shall be limited to one individual for each activity in a school, and the individuals protected from layoff shall be reassigned the same responsibilities during the following year at the same work location. If more than one employee holds any of the assignments listed below, only the employee with the most service will be protected from layoff.

A. High Schools and Secondary Schools

All categories I and II of the salary supplements regulations; certified trainers; the choral directors; and the department chairpersons for mathematics, English, science, social studies, and learning disabilities; Standards of Learning (SOL) lead teachers; and coordinators for the International Baccalaureate and Advanced Placement diploma programs.

B. Middle Schools

School newspaper sponsor; school yearbook sponsor; Student Council Association (SCA) sponsor; department chairpersons for mathematics, English, science, social studies, and learning disabilities; middle school team leaders; and SOL lead teachers.

C. Elementary Schools

SCA and safety patrol sponsors.

D. Others

A maximum number of 100 teachers or educational administrators in addition to the above may be retained by the Division Superintendent irrespective of length of service, endorsement status, length of contract, or percent of employment and shall not be subject to displacement provided they are necessary to maintain program demands and they have good records of performance.

See also the current versions of: Regulation 4284, Reduction in Force, Layoff, and Recall—
Support and Transportation Employees
Policy 4680, Salary Redlining Procedures
Regulation 4680, Salary Guidelines-Reduction in Force

HUMAN RESOURCES

Duties, Responsibilities, and Rights of Employee

Work Hours, Length of Work Year, and School Calendar

This regulation supersedes Regulation 4421.8.

I. PURPOSE

To establish the work hours, length of work year, and calendar for various categories of personnel.

II. SUMMARY OF CHANGES SINCE LAST PUBLICATION

- A. Section IV.A.4. adds language to clarify responsibilities involving work time to be scheduled by the principal or program manager.
- B. Section IV.G.2. clarifies nonexempt employees.
- C. Section V.B. adds the 11 month contract length for instructional assistant-scale employees.
- D. Section VI.C. adds language to clarify holiday pay.
- E. Section VI.D. adds language to clarify food services personnel.

III. FUNDING AUTHORITY

All provisions in this regulation are subject to and contingent upon their inclusion in the annual budget of the School Board.

IV. LENGTH OF WORKDAY

A. Teacher-Scale Personnel

The calculation of lunch periods for teacher-scale employees shall include the time required to move from one duty assignment to another.

1. The normal workday for full-time classroom teachers and other teacher-scale personnel shall be 7 1/2 hours, which includes a 30-minute, paid, duty-free lunch period, unless emergencies or special events occur. The workday is scheduled by the principal or program manager to serve the best interests of the school program.

2. The normal workday for full-time classroom teachers and other teacher-scale personnel assigned to Thomas Jefferson High School for Science and Technology and extended-day schools shall be 8 hours, which includes a 30-minute, paid, duty-free lunch period, unless emergencies or special events occur. The workday is scheduled by the principal or program manager to serve the best interests of the school program.
3. Family and Early Childhood Education program (FECEP) teachers shall eat with their classes and have their workdays shortened accordingly.
4. Responsibilities involving time in excess of 7 1/2 hours per day or 8 hours per day if assigned to Thomas Jefferson High School for Science and Technology and extended-day schools may be scheduled by the principal or program manager. Such duties shall normally relate to, but are not limited to, pupil transportation, faculty meetings, student-related activities, and parent conferences. A teacher's primary responsibility shall be to teach, and, whenever feasible, the assignment of nonteaching duties to teachers should be limited.

B. School-Based Instructional Assistant-Scale Personnel and Unified Salary-Scale Assistants and Attendants

The calculation of lunch periods for instructional assistant-scale and unified salary-scale assistants and attendants shall include the time required to move from one duty assignment to another.

1. The workday for full-time employees in this category shall be 7 1/2 hours, which includes a 30-minute, paid, duty-free lunch period, unless emergencies or special events occur. The workday is scheduled by the principal or program manager to serve the best interests of the school program.
2. The workday for full-time instructional assistants assigned to Thomas Jefferson High School for Science and Technology and extended-day schools shall be 8 hours, which includes a 30-minute, paid, duty-free lunch period, unless emergencies or special events occur. The workday is scheduled by the principal or program manager to serve the best interests of the school program.
3. The workday for the full-time safety and security assistant assigned to Thomas Jefferson High School for Science and Technology shall be 8 hours, which includes a 30-minute, paid, duty-free lunch period, unless emergencies or special events occur. The workday is scheduled by the principal or program manager to serve the best interests of the school program.
4. Family and Early Childhood Education program (FECEP) instructional assistants shall eat with their classes and shall have their workdays shortened accordingly.

C. Full-Time Personnel Who Are Paid on the Unified Salary Scale and Who Work a 12-Month or Less-Than-12-Month Contract or Work Year (and Are Not Identified in Section III.B.)

Employees who fall in this category normally work an 8 1/2-hour day, which includes a 30-minute, unpaid, duty-free lunch period. Normal business hours are from 8 a.m.

to 4:30 p.m., but individual employees may be assigned different shifts or work hours to meet the needs of the school system.

D. Food Service Personnel

The number of work hours and length of the lunch period for food service employees shall be established by the appropriate food service coordinator.

1. Food service workers' scheduled work hours vary from two to eight hours per day. If a lunch period is provided, it must consist of a 30-minute, unpaid, duty-free time period.
2. Food service managers' scheduled work hours are determined by average number of meal equivalents served daily. If a lunch period is provided, it must consist of a 30-minute, unpaid, duty-free time period.

E. Personnel Involved With the Transportation of Students

Transportation employees shall observe scheduled daily hours consistent with the time required to transport or attend to students. These employees do not have a scheduled lunch period or a duty-free lunch period due to the nature of their scheduled work hours.

F. Less-Than-Full-Time Personnel

Less-than-full-time personnel shall work the number of hours scheduled for their positions (e.g., 1/2 day, or 50 percent employment, which equals 4 hours for most unified salary-scale personnel and those employees identified in sections III.A.2., III.B.2., and III.B.3. and 3.75 hours for employees identified in sections III.A.1., III.A.3., and III.B.1.). Actual work times and provisions of appropriate lunch periods, if necessary, shall be established by individual principals or program managers.

G. Modifications to Work Hours

1. All work hours shall be subject to modification by the principal or the program manager. If the modification requires many employees (50 or more) to receive a shift differential for the evening or night shift, the modification must be approved by the Departments of Human Resources and Financial Services.
2. Program managers may change the scheduled hours and days for full-time nonexempt employees (US-19 and below and instructional assistants) as long as the workweek complies with Fair Labor Standards Act requirements. (See also the current versions of Policy 4660 and Regulation 4660.)

V. LENGTH OF WORK YEAR

Length of the work year for the various categories of employees shall be as follows:

A. Teacher-Scale Personnel

- 9 3/4 months (194 days)
- 10 months (198 days)
- 10 1/4 months (203 days)
- 10 1/2 months (208 days)
- 11 months (218 days)
- 12 months (approximately 260 days)

All teaching contracts include 183 teaching days and a minimum of 11 in-service or planning days. Additional workdays are included for longer lengths of contracts.

B. Instructional Assistant-Scale Employees

- 9 1/2 months (190 days)
- 9 3/4 months (193 days)
- 11 months (218 days)
- 12 months (approximately 260 days)

C. Unified Salary-Scale Employees

- | | |
|-------------------------|------------------------------------|
| 9 1/4 months (183 days) | 10 months (199 days) |
| 9 1/2 months (188 days) | 10 3/4 months (214 days) |
| 9 1/2 months (190 days) | 11 months (219 days) |
| 9 3/4 months (193 days) | 12 months (approximately 260 days) |
| 9 3/4 months (194 days) | |

D. Work Year for Food Service Personnel

1. Workers

The work year shall be based on the school year for students.

2. Managers

The work year shall be similar to that for food service workers but with additional workdays.

E. Personnel Involved With the Transportation of Students

The work year shall include all days students are present and one in-service day.

F. Modifications and Contract Year

Specific written approval must be obtained before changing the contract or workdays for any employee. A personnel position control form (FS-124) shall be used.

VI. CALENDAR

A. Twelve-Month Personnel

Normally, the following paid holidays shall be authorized for 12-month personnel; however, the actual date of the holiday may be changed to accommodate the student calendar.

Independence Day
Labor Day
Columbus Day
Thanksgiving Day and the following Friday
Christmas Eve
Christmas Day
Winter Break--one paid holiday normally assigned during winter break
New Year's Day
Martin Luther King, Jr.'s birthday
George Washington's birthday and Presidents' Day
Memorial Day

Inauguration Day--every fourth year

B. Less-Than-12-Month Personnel (Except Personnel Involved With the Transportation of Students and Food Service Employees)

Normally, the following unpaid nonworkdays shall be authorized for less-than-12-month personnel; however, the unpaid nonworkday may be eliminated or changed to accommodate the student calendar.

Labor Day
Columbus Day
Thanksgiving Day and the following Friday
Winter break
Martin Luther King, Jr.'s birthday
George Washington's birthday and Presidents' Day
Spring break
Memorial Day

Inauguration Day--every fourth year

C. Personnel Involved With the Transportation of Students

Normally, the following paid holidays shall be authorized if they fall within the days students are present; however, the actual date for which the holiday is paid may be changed to accommodate the student calendar. Paid holidays and nonworkdays may vary based upon the transportation pay plan.

Labor Day
Columbus Day
Thanksgiving Day and the following Friday
Winter break
New Year's Day
Martin Luther King, Jr.'s birthday
George Washington's birthday and Presidents' Day

Spring break
Memorial Day
Inauguration Day--every fourth year

In addition, personnel shall be paid for one in-service day during the school year.

D. Food Service Personnel Based on the Twelve-Month Unified Scale

Normally, the following paid holidays shall be authorized if they fall within the days students are present; however, the actual date of the holiday may be changed to accommodate the student calendar.

Labor Day
Columbus Day
Thanksgiving Day and the following Friday
Christmas Eve
Christmas Day
New Year's Day
Martin Luther King, Jr.'s birthday
George Washington's birthday and Presidents' Day
Memorial Day
Inauguration Day--every fourth year

E. Nonteaching Contract Days for Teacher-Scale Personnel

1. Teachers shall work a minimum of 194 days, consisting of 183 teaching days, 6 teacher workdays, and 5 in-service or planning days. Days designated as teacher workdays in the calendar shall not be used for required in-service activities; however, the workdays may be scheduled as teaching days to accommodate the student calendar.
2. Teachers shall submit all required reports and shall have met all other obligations as decided by the program manager before being released on the final workday.

F. Makeup Days for Inclement Weather

1. Less-Than-12-Month Personnel
 - a. Teachers, assistants (instructional, career center, FECEP, and kindergarten), public health assistants and attendants, less-than-12-month personnel, personnel involved with the transportation of students, and food service personnel shall not be required to make up the first three days missed when schools are closed due to inclement weather.
 - b. All other personnel shall be required to make up all days missed. An employee who is eligible for overtime should not be scheduled to make up a day if the scheduled workday would cause his or her workweek to exceed 40 hours.
2. Twelve-Month Personnel

All 12-month personnel shall be required to work when only schools are closed due to inclement weather.

3. Other emergency closings are handled on a school-by-school or office-by-office basis in accordance with the current version of Regulation 4810.

See also the current versions of: Regulation 1344, Standard School Year Calendar
Policy 4660, Overtime Pay
Regulation 4660, Overtime Pay for Eligible Employees
Regulation 4810, Administrative Leave--Emergency

HUMAN RESOURCES

Duties, Responsibilities, and Rights of Employees

Teacher Work Assignments

This regulation supersedes Regulation 4422.6

I. PURPOSE

To describe the allocation of teachers' instructional time and planning time and the requirement to notify teachers of their tentative work assignments for the succeeding year.

II. SUMMARY OF CHANGES SINCE LAST PUBLICATION

This regulation has been reviewed, and there are no changes at this time.

III. SECONDARY TEACHER INSTRUCTIONAL PERIOD ASSIGNMENTS

The normal teaching assignment for middle, secondary, and high school teachers is five periods per day, plus one planning period and one period of instructional and professional responsibility (IPR). In schools without block scheduling, the usual teaching assignment is five periods with a planning period and an IPR period. In schools with block scheduling, the normal teaching assignment may be five periods with a planning period and an IPR period or three two-period or class blocks with a planning period. Teachers may have other configurations for teaching assignments provided that unencumbered planning time is maintained. Teachers whose block-scheduling program alternates from day to day may have planning time on alternate days. Teaching assignments of fewer than five periods require approval of the cluster assistant superintendent. Teachers assigned to teach six periods with no planning time included in their schedules would be provided extra compensation, either through issuing longer-day contracts or through increasing the number of days of the contracts. Cooperative education coordinators may receive an increased number of contract days and classroom assignments commensurate with the number of cooperative education students enrolled in the program.

IV. CHAIRPERSON ASSIGNMENTS

In high and secondary schools, principals may choose to appoint department chairs annually. At the discretion of the principal, an appointed chairperson may be given a release period from teaching in addition to an unencumbered planning period.

V. ELEMENTARY TEACHING ASSIGNMENTS

a. Grades 1-6

Elementary teachers shall be allowed six and one-half hours over a two-week rotation when they are not required to be with their classes.

This time is prorated if the teacher contract is less than full time. This period of time is intended for activities such as planning lessons, organizing materials and equipment, grading student work, and holding conferences as needed with students, parents, or other staff members. This time shall be exclusive of travel time or other assigned duties.

Classroom planning time is provided during art, physical education, and music instruction. Other certified personnel without direct classroom responsibilities may also be assigned in a manner that provides planning time. In these instances, planning time must be approved by the cluster assistant superintendent if the assignment exceeds ten hours per week per position.

Every effort shall be made to ensure that each individual elementary art, physical education, or music teacher be assigned a maximum of 22.6 hours per week of instructional time with students. Every effort shall be made to avoid assigning elementary music or physical education teachers to more than two schools in one day. Inclusion of students with special needs or scheduling self-contained special education classes shall be reviewed at the school level based on the students' individualized education programs (IEP).

B. Kindergarten

Teachers of two half-day kindergarten classes shall have three hours of planning time per week. One hour will be provided by music and physical education instruction. The additional two hours will be provided during scheduled library and art lessons.

VI. SCHOOL LIBRARIANS

Using librarians to provide planning time should be done in a manner that recognizes their role in supporting the instructional program and that does not impede the performance or the completion of their responsibilities as librarians. The use of librarians to provide planning time must be approved by the cluster assistant superintendent if the assignment exceeds ten hours per week. Principals, cluster assistant superintendents, and staff members will work together to ensure planning time needs are adequately supported as well as the needs of the library. In such a situation, planning time will be provided for librarians, and extra duties and responsibilities will be appropriately adjusted to accommodate the variance in duties.

VII. NOTIFICATION OF TEACHER ASSIGNMENTS

Prior to the summer break, principals shall inform all teaching personnel of their tentative subject or grade-level assignments for the succeeding year. Itinerant teachers will retain base-school assignments from one year to the next unless notified otherwise.

VIII. CHANGE OF POSITION DURING SCHOOL YEAR

A teacher who is transferred to a different classroom teaching position (grade level, subject, or school) during the course of the school year shall be afforded, except under unusual circumstances, the opportunity to have one workday for preparation prior to assuming the different position.

See also the current versions of

Policy 3355, High School for Science and Technology
Regulation 3355, Thomas Jefferson High School for
Science and Technology

PERSONNEL SERVICES

Duties, Responsibilities, and Rights of Employees

Grievance Procedure--Educational Administrative and Supervisory Employees

This regulation supersedes Regulation 4038.

I. PURPOSE

To establish a grievance procedure for educational administrative and supervisory employees.

II. DEFINITIONS

- A. A "grievance" is a difference or a dispute between an employee and the school board or its supervisory representative with respect to the application of the provisions of the board's policies, rules, and regulations as they affect the work activity of such employee. A grievance shall not refer to any matter (1) for which the method of review is prescribed by law or (2) on which the board is without authority to act. The grievance procedure is not intended to cover disputes in which the grievant is challenging the propriety of a work assignment or wherein the grievant's purpose is to modify the content of ordinances, statutes, and the board's personnel policies and regulations. For example, the following shall not be subject to the grievance procedure as set forth herein: the discharge of an employee by the board (which is covered by the Code of Virginia); the failure to reappoint an employee during his or her probationary period or for reasons set forth in the Code of Virginia as amended; or the revocation, suspension, or denial of a certificate.
- B. A "grievant" is an employee of the school board paid under the provisions of the R-scale "who meets the definition of supervisory employee and who is thereby excluded from the teacher grievance procedure" asserting a grievance on his or her own behalf.
- C. An "immediate superior" is an administrator possessing that degree of administrative authority next in rank above the grievant. Thus, an immediate superior becomes the only one against whom a grievance can be asserted at Level One (Level One is described below).
- D. "Working days" are days which are designated by the employee's individual contract in accordance with the appropriate school calendar.

III. PURPOSE OF PROCEDURE

The purpose of the grievance procedure is to secure, at the lowest possible level, equitable solutions to the problems affecting employees which may arise from time to time.

Nothing herein shall be construed as limiting the right of any educational administrative or supervisory employee having a problem to discuss the matter with any appropriate administrator and having the problem resolved, provided the resolution is consistent with board policy.

IV. PROCEDURE

A. Time Limits

The number of days indicated at each level described below should be considered as a maximum, and every effort should be made to expedite the process. The time limits specified may, however, be extended by mutual agreement of the parties to the grievance.

B. Year-End Grievances

In the event a grievance is filed at a time which precludes its being processed through all the steps in this grievance procedure by the end of the school year, and if such grievance, were it to be left unresolved until the beginning of the following school year, could result in irreparable harm to the grievant, the time limits set forth herein shall be reduced so that the grievance procedure may be exhausted prior to the end of the school year or as soon thereafter as is practicable.

C. Confidentiality

These proceedings shall be kept informal and confidential at each level of the procedure except as provided herein.

D. Levels

1. Level One

An educational administrative or supervisory employee with a grievance shall first discuss it with his or her immediate superior either directly or through his or her representative, with the objective of resolving the matter informally. If such discussion does not resolve the matter, the grievant shall submit to his or her immediate superior a written statement of the grievance setting forth the reason for the grievance and including all pertinent facts in the case.

A grievance must be presented in writing within 15 working days after the facts or circumstances giving rise to such grievance have occurred or should have been known by the educational administrative or supervisory employee. Untimely grievances shall not be considered valid.

2. Level Two

If the grievant is not satisfied with the disposition of the grievance at Level One, or if no decision has been rendered within 10 working days after written presentation of the grievance, the grievant may file the grievance, in writing, with the office of the appropriate area superintendent or the appropriate assistant superintendent, such filing to take place within 20 working days after presenting the written grievance at Level One.

The area superintendent, assistant superintendent, or appropriate designee shall represent the administration at Level Two of the grievance procedure. The area superintendent, assistant superintendent, or appropriate designee shall meet with the grievant in an effort to resolve the grievance, such meeting to take place within 5 working days after receipt of the written grievance by the area superintendent or assistant superintendent. A written decision by the area superintendent or assistant superintendent shall be rendered within 10 working days.

3. Level Three

If the grievant is not satisfied with the disposition of the grievance at Level Two, or if no decision has been rendered within 15 working days after the area superintendent, assistant superintendent, or appropriate designee has received the written grievance at Level Two, the grievant may file the grievance in writing with the division superintendent's office within 20 working days after presenting the written grievance at Level Two.

The division superintendent or designee shall represent the administration at Level Three of the grievance procedure. The division superintendent or designee shall meet with the grievant in an effort to resolve the grievance, such meeting to take place within 5 working days after receipt of the written grievance by the division superintendent at Level Three. A written decision by the division superintendent shall be rendered within ten (10) working days.

4. Level Four

- a. If the grievant is not satisfied with the disposition of the grievance at Level Three, or if no decision has been rendered within 15 working days after the division superintendent or designee has received the written grievance at Level Three, the grievant may demand advisory fact-finding within 30 working days after presenting the written grievance at Level Three.
- b. Advisory fact-finding shall be conducted by a three-member panel. The grievant and the board shall each select one panel member. Within 10 days after receiving notice of advisory fact-finding from the grievant, the board's representative shall request the American Arbitration Association to provide a panel of seven fact finders particularly skilled in educational matters, from which the selection of the third panel member shall be made in accordance with the rules of the American Arbitration Association. This member shall serve as the impartial chairperson.
- c. The panel as designated above shall have the authority to find fact only on a grievance as defined in this procedure. The question of arbitrability of a grievance shall itself be a matter within the advisory jurisdiction of the panel. Any grievance appealed to the panel over which they shall have no power to advise shall be referred back to the parties without advice. The panel shall have no power to add to, subtract from, or modify school board policy.
- d. The panel shall have authority to hold hearings and make procedural rules. The rules set by the panel shall be in conformity with the rules of the American Arbitration Association. The panel shall issue a report within 30 days after the date of the close of the hearings, if possible, or if oral hearings have been waived, from the date the final statement and evidence are submitted to them.
- e. All hearings held by the panel shall be in closed sessions, and there shall be no news release from the panel concerning progress of the hearings.
- f. The report of the panel shall be submitted in writing to the school board and the grievant and shall set forth findings of fact, reasoning, conclusions, and recommendations on the issues submitted. The

recommendations shall be consistent with law and with board policy. The majority decision of the panel shall be advisory to the school board.

- g. There shall be no public releases until 5 working days after receipt of the report.
- h. The board shall take official action to consider the report of the panel within 30 days of receipt of such report.
- i. The costs for the services of the impartial chairperson including per diem expenses, if any, plus actual and necessary travel and subsistence expenses shall be shared equally by the board and the grievant.
- j. Either party may request an official stenographic record of the testimony at the hearings, a copy of which shall be provided to the panel. The party requesting a stenographic record shall pay the costs of it except that if the other party to the grievance requests a copy of any transcript, that party shall share the entire costs of making the stenographic record.

V. RIGHTS TO REPRESENTATION

- A. A grievant may represent himself or herself or may be represented at all levels of the grievance procedure by a person of his or her own choosing.
- B. No reprisals of any kind shall be taken by the board or by any member of the administration against any participant in the grievance procedure by reason of such participation.

VI. SCHOOL BOARD'S PREROGATIVES

Nothing in this procedure is intended to circumscribe or modify the existing right of the board, the division superintendent, or the division superintendent's designee from doing the following:

- A. Determining and administering the mission of the school system.
- B. Hiring, promoting, transferring, disciplining, suspending, assigning, or retaining employees in positions within the school system.

- C. Maintaining the efficiency of school operations.
- D. Relieving employees of duties for legitimate reasons.
- E. Taking action as may be necessary to carry out the duties of the school system in emergencies.
- F. Determining the methods, means, and personnel by which operations are to be carried on.
- G. Directing the work of board employees.
- H. Issuing and revising policies and regulations necessary to carry out the foregoing and all other managerial functions entrusted to and conferred upon the board by law.

Should, however, a disagreement arise over whether a grievance concerns one or more of the board prerogatives set forth in this section, the question of the arbitrability of such grievance shall itself be a matter within the advisory jurisdiction of the panel described herein.

VII. MISCELLANEOUS

- A. Decisions rendered at all levels of the grievance procedure shall be in writing setting forth the decision and the reasons thereof, and shall be transmitted promptly to all parties. Decisions rendered at Level Four shall be in accordance with the procedures set forth in IV., D., 4., f.
- B. All written and printed matter dealing with the processing of a grievance shall be filed separately from the official central office personnel files of the participants.
- C. Forms shall be prepared by the division superintendent and made available as needed so as to facilitate operation of the grievance procedure.
- D. None of the meetings or hearings under this procedure shall be conducted in public, and all meetings and hearings shall include only the grievant, witnesses, the grievant's selected representative as referred to in this procedure, and appropriate administrative personnel. Any witnesses, representatives, or grievants shall be released from their assignments without loss of pay for the amount of time needed to attend such meetings and hearings.
- E. If in the judgment of the grievant, the grievant's representative, and the assistant superintendent for personnel services, a grievance affects a group of employees all of whom belong to a single administrative area of the school system, the grievant may submit such grievance in writing directly to

the area superintendent's office in the area concerned, and the processing of such grievance may be commenced at Level Two.

- F. If in the judgment of the grievant, the grievant's representative, and the assistant superintendent for personnel services, a grievance affects a group of employees belonging to more than a single administrative area of the school system, the grievant may submit such grievance in writing directly to the division superintendent's office, and the processing of such grievance may be commenced at Level Three.

- G. In the event the decision being grieved was made by a member of the Department of Personnel Services, the administrative representative at Level I shall be the personnel coordinator or specialist for the administrative area within which the educational staff member is assigned, with Level II becoming the director, employment services. All other aspects of the procedure shall apply as described.

HUMAN RESOURCES

Salary Schedules and Guidelines

Salary Guides--Employees Assigned to the Unified Salary Scale

This regulation supersedes Regulation 4612.6.

I. PURPOSE

To establish guidelines related to the position classification plan and the compensation plan for positions assigned to the unified salary scale (US scale).

II. FUNDING AUTHORITY

All provisions in this regulation are subject to and contingent upon their inclusion in the annual budget of the School Board.

III. DEFINITIONS

The following definitions apply to this regulation:

A. Unified Salary Scale Personnel

Leadership Team members (except the Division Superintendent, the deputy superintendent, and the chief operating officer) and all instructional and support personnel (excluding those personnel assigned to the teacher or instructional assistant salary scales).

The unified salary scale also is used as the basis for determining salaries to pay employees for most temporary hourly assignments.

B. Unified Compensation Plan

A salary schedule (US scale) that has 33 job groups.

Thirty-two of the job groups include 18 steps and one longevity step. Salaries may be paid on either a monthly or a biweekly pay schedule as assigned by Fairfax County Public Schools. Salaries for employees assigned to work fewer than 12 months are paid in 10- or 11-month installments, depending on the employee's assigned workdays and calendar. The remaining job group contains 14 steps and is provided for Leadership Team members who are paid on a 12-month basis on a monthly pay schedule.

C. Salary Scale

A series of job groups with incremental steps within each job group for a designated group of employees.

D. Job Group or Paygrade

A job group letter(s), a hyphen, and number symbol(s) in a combined form that identifies the salary level of a series of class assignments, e.g., US-17.

E. Salary Lane

A series of incremental steps within a paygrade or job group.

F. Step

One of a series of incremental pay levels within a job group.

G. Full-Time, Part-Time, or Temporary Employee

1. Full-Time Employee

An employee who works an established number of contract days or workdays for a full day and a full week.

2. Part-Time Employee

An employee who works an established number of contract days or workdays per year for less than a full day or less than a full week.

3. Temporary Employee

An employee who is paid hourly and who works on an as-needed basis.

Temporary employees may be hired only to fulfill a temporary assignment. Each temporary assignment shall be for a maximum of one fiscal year and shall end on June 30.

H. Active Class

A single position or group of positions that are sufficiently similar as to kind or subject matter of work, level of difficulty and responsibility, qualifications, and requirements to:

1. warrant the use of the same title.
2. be defined by the same specification.
3. be assigned the same position code number, except for codes whose titles differentiate monthly or biweekly payroll cycles.

4. be assigned to the same job group.

I. Career Ladder

A designation made by the Department of Human Resources to identify an active class as developmental and progressive in nature.

The levels within a career ladder reflect the attainment of skills necessary to perform the work required in each job group. The current version of Regulation 4156 provides detailed information related to career ladders.

J. Promotion and Promotion Calculation

1. Promotion

The movement of an employee from one position, through open competition, to a position that is assigned to a job group or salary lane that has a higher maximum salary based on a 12-month contract or work year, and the higher maximum salary is not due to a change in the number of contract days or workdays or to the length of the workday.

2. Promotion Calculation

An increase of ten percent in salary in an employee's current job group prior to placement on the next higher dollar amount in the new job group or salary lane.

K. Demotion

The movement of an employee to a position that is assigned to a job group or salary lane that has a lower maximum salary based on a 12-month work year. This movement may be involuntary or voluntary.

The lower maximum salary in a demotion may not be due to a change in the number of contract days or workdays or to the length of the workday.

L. Anniversary Date and Salary Increment Effective Date

1. Anniversary Date

The most recent date of employment.

An anniversary date adjustment of one month shall be made for each consecutive 20 workdays of leave without pay. No adjustment to the anniversary date shall be made for an employee on an approved leave under the Family Medical Leave Act (FMLA) or for periods of military service under the Uniformed Services Employment and Reemployment Rights Act (USERRA).

2. Salary Increment Effective Date

The first day of that month regardless of the actual anniversary date of the employee during the month.

For personnel paid biweekly, the salary increment shall be effective on the beginning day of the biweekly pay period regardless of the actual anniversary date of the employee during the month.

M. Reclassification

The action that results from the formal evaluation of the duties and responsibilities of a position(s) or active class(es) within the organization or a segment of the organization.

N. Regrade

The action that results from the formal evaluation of appropriateness of the job group assigned to a position without a change in the duties and responsibilities, e.g., market value assessment.

IV. COMPENSATION PLAN

A. Salary Scale

The US-scale compensation plan requires an employee who begins at step one to complete the equivalent of 19 years of full-time continuous service with FCPS to reach the top step (longevity) of the same job group.

B. Placement on the Salary Scale

Employees assigned to the unified salary scale shall be placed in the appropriate job group and on the appropriate job step by the Department of Human Resources, as follows:

1. New Appointments

The entry step for a given job group shall normally be offered for recruitment purposes and shall be paid upon appointment. A salary placement above the entry step may be made in accordance with procedures related to appointments.

2. Reemployment

An employee who separated from employment with Fairfax County Public Schools for 12 months or less shall be returned to the grade and step formerly attained and promoted, demoted, or transferred to the new job group or paygrade. If separated from employment for greater than 12 months, and reemployed into his or her former active class or in a related class, the employee may receive salary credit for previous experience with Fairfax County

Public Schools. A new seniority date shall be established, except for employees who have been absent for periods of military service under USERRA.

3. Transfer or Reassignment

- a. An employee who is reassigned or transferred to a position involving the same number of contract days or workdays within a job group shall continue to be paid at the rate held at the time the action takes place.
- b. An employee who is reassigned or transferred to a position involving a change in the number of contract days or workdays but in the same job group shall be moved to the appropriate contract day or workday scale and be paid in the job group and at the step held at the time the action takes place.

4. Promotion

a. Salary Calculations

Salary calculations for an employee being promoted shall be made by:

- (1) Determining the 12-month salary for the employee's current position.
- (2) Moving the salary for the current position up by ten percent (promotion calculation).
- (3) Finding the lowest step on the salary lane or in the job group for the new position that exceeds the dollar amount of the promotion.
- (4) Assigning the 12-month salary to an equivalent less-than-12-month salary, if appropriate.

An employee who is promoted to the same position held within the previous 12 months shall not receive the benefit of the promotion policy. When this occurs, the employee is placed at the salary level of that position at the pay step that would have been attained had the employee not left the position.

b. Effective Date

The effective date of promotion shall be the date the employee assumes the duties and responsibilities of the new position. To the extent practicable, this date should be the beginning of the next pay period following approval.

c. Anniversary Increment Date

The anniversary date shall not change unless the employee is on a less-than-12-month contract or work year status, the employee is promoted to a position with a longer contract or work period during the time when he or

she is not scheduled to work, and the former anniversary date is at the start of the previous contract or work period.

5. Reclassification or Regrade

a. Assignment of a Position to a Higher Job Group

- (1) When a reclassification or regrade action results in assignment of a position to a higher job group involving no change in the number of workdays, an employee shall be placed in the higher job group on the same contract day or workday scale at the lowest step that exceeds his or her current pay rate.
- (2) When a change in the number of workdays is involved, the employee shall be:
 - (a) moved to the 12-month scale on his or her current salary scale.
 - (b) placed in the same job group and on the same step.
 - (c) moved to the new job group on the 12-month scale.
 - (d) placed on the lowest step that exceeds the dollar amount of the current step.
 - (e) moved to the new contract or work year length for that job group and that step.
- (3) The anniversary date shall not change unless the employee is reclassified during the summer when he or she is not scheduled to work and the former anniversary date is at the start of the previous contract or work period.

b. Assignment of a Position to a Lower Job Group

When a reclassification or regrade action results in assignment of a position to a lower job group, the incumbent shall continue to be compensated at the level of pay applicable to the position held prior to the reclassification action. The incumbent shall receive all cost-of-living adjustments and increments he or she would have been entitled to if the reclassification had not taken place. The position shall revert to the lower job group, and the incumbent shall be placed in an overfill capacity.

c. Effective Date of Reclassification or Regrade Actions

The effective date of reclassification or regrade actions shall be the first day of the month after the date officially approved by the assistant superintendent, Department of Human Resources, or his or her designee.

6. Demotion

a. Involuntary Demotion or Voluntary Demotion Without Competition

- (1) An employee who is demoted involuntarily or voluntarily without competition shall be placed at the pay step in the new salary level that represents the closest dollar amount that is less than the former pay. The anniversary date shall not change.
- (2) An employee who is demoted to a position previously held shall not receive the benefit of the demotion policy if he or she has not been in the current position one full work year. When this occurs, the employee is placed at the salary level at the lower position to which he or she is demoted, at the pay step that would have been attained had the employee not left the position.

b. Voluntary Demotion With Competition

When an employee for personal or career reasons competes and is selected for a lower-graded position, the employee shall be placed at the pay step in the new salary level that represents the closest dollar amount that is higher than the former pay. The anniversary date shall not change.

7. Career Ladder

- a. An employee may enter a position on a career ladder through appointment, assignment, transfer, or reclassification.
- b. When the position is competed, the employee may be promoted to a career ladder position. All future advancements within the career ladder shall be regrades. For the purpose of salary placement, employees new to Fairfax County Public Schools shall be considered to be promoted to the original placement.
- c. If the employee is reclassified or transferred to the career ladder position, all advancement within the career ladder shall be regrades.
- d. Career ladder advancement for Division Superintendent-approved positions may be considered promotional advancements (e.g., assistant principal I/II)

V. INCREMENTS

A. Step Increment

1. An increment of one step shall be granted to an eligible employee who demonstrates the required level of performance as determined by formal evaluation. An eligible employee is one who has completed the equivalent of one full year of full-time "satisfactory" or "meets standards" service for the employee's contract day or workday position.

2. Retirees who return to employment on a temporary basis are not eligible for increments.

B. Longevity Increment

The US scale includes one longevity step. An employee must complete the equivalent of 15 years of full-time continuous service with Fairfax County Public Schools and two years at the top step of his or her current job group to be eligible for the longevity step.

C. Frozen Increment

The step of an employee receiving an evaluation below "satisfactory" or "meets standards" shall be frozen. The step shall be withheld until the employee has earned at least a "satisfactory" or "meets standards" evaluation rating. Such a process shall be applied if the evaluation system is revised to include a different means of describing less-than-satisfactory performance.

VI. SUBSTITUTE FOOD SERVICE WORKER AND FOOD SERVICE WORKER I PAY

A. Substitute Food Service Worker

A substitute food service worker shall be paid at the entry level step of the paygrade for the class in which he or she is substituting unless a higher grade and step is granted by the assistant superintendent, Department of Human Resources, or his or her designee.

B. Food Service Worker I

Food service worker I positions shall be paid at the entry-level paygrade and step on the paygrade. The pay for the food service worker I shall be set by the assistant superintendent, Department of Human Resources, in consultation with the assistant superintendent, Department of Financial Services.

See also the current version of: Regulation 4156, Career Ladder Appointment, Assignment, or Advancement

HUMAN RESOURCES

Leave and Leaves of Absence

Administrative Leave--Emergency

This regulation supersedes Regulation 4810.8.

I. PURPOSE

To state the rules pertaining to leave that may be granted under emergency conditions.

II. CONDITIONS AND DEFINITIONS

- A. The Division Superintendent or his or her designee may authorize either liberal leave or emergency administrative leave when extreme weather, lack of utilities, civil unrest, or other situations call for the suspension of the usual attendance requirements for employees. Program managers shall, in advance of need and at least once annually, designate those employees who are considered essential personnel and who will not be covered under the liberal leave or emergency administrative leave provisions described below. Once liberal leave or emergency administrative leave has been declared, the leave shall be applied to all shifts of employees who work on the calendar day of the leave.
1. Liberal leave is the permission given to 12-month employees to use annual leave or leave without pay and less-than-12-month employees to use personal leave or leave without pay under emergency conditions (to include extreme weather) without prior approval of their supervisors. Liberal leave shall be in effect during the period in which the Division Superintendent or his or her designee declares it. Sick leave may be used in accordance with the current version of Regulation 4819 and established work location procedures. Previously arranged sick leave shall still be charged as sick leave.
 2. Full-day emergency administrative leave is time granted as an excused absence to employees. No personal, annual, or sick leave shall be charged to any employee(s) for the time designated as emergency administrative leave unless that employee has been designated by the program manager as essential.
 3. Less-than-full-day emergency administrative leave is time granted as an excused absence to employees who report to work on the day in which the less-than-full-day administrative leave is declared. Employees who do not report to work on the day that the less-than-full-day administrative leave is declared do not receive the benefit of the administrative leave.

- B. If any of the above conditions occurs at an individual school or work site (not systemwide), students and employees may be dismissed as necessary at the direction of the program manager. No makeup time shall be required for students or any employees in such situations unless the closing causes the student school year to fall below the mandatory 180 days.

III. LESS-THAN-FULL-DAY EMERGENCY ADMINISTRATIVE LEAVE

If emergency conditions exist at the beginning of the workday or develop after the workday has begun, employees may be granted less-than-full-day administrative leave. All leave (sick, personal, annual, etc.) shall be charged in its entirety regardless of the unexpectedly shortened day. No makeup time shall be required of any employee(s) for less-than-full-day administrative leave under emergency conditions.

A. Early Closing

1. When schools (collectively or individually) are closed early due to emergency conditions, school-based teacher-scale and instructional assistant-scale personnel (and certain unified-scale employees indicated in footnote 1 of the attachment) may be dismissed if supervisory needs have been satisfied and if the emergency conditions affect the well-being of the employees. (For example, early dismissal of students during a heat wave may also warrant the early release of teachers after all students have left the school, provided no cool area of the building is available.) All other 12-month and less-than-12-month employees shall be granted liberal leave to the extent of the early closing.
2. Employees in paygrades US-01 through US-19 who are required to remain at work after offices and/or schools are closed for the day, and after emergency administrative leave has been granted, shall receive regular pay for the scheduled workday plus overtime pay (straight time or time and one-half, as applicable) for any hours worked after offices and/or schools are closed. Employees designated as essential shall be required to work under these conditions and shall be paid for the scheduled workday plus overtime pay for the hours worked. Essential personnel who do not report for shifts that fall after the administrative early closing shall be charged leave.

B. School Delayed Opening

When the opening of school for students is delayed, full-time school-based teacher-scale and instructional assistant-scale personnel may report late to the extent that the opening has been delayed. Part-time school-based teacher-scale and instructional assistant-scale personnel, whose normally scheduled duties begin within the one- or two-hour delayed opening, shall report at a designated time appropriate for their assignments. Program managers should, in advance of need, discuss with these employees the appropriate reduced workday based on educational and/or supervisory needs. All other personnel shall be expected to report to work at the usual time, although a liberal leave policy shall be in effect to

the extent of the delayed opening. Program managers may permit late arrivals on an individual basis as necessitated by severe weather conditions.

C. Administrative Offices Delayed Opening

When the opening of the administrative offices is delayed, 12-month employees may report late to the extent that the administrative offices are closed. Employees designated as essential personnel by the program manager or principal shall report for work unless advised by the program manager or principal not to do so. Employees in paygrades US-01 through US-19 who are required to report to work during the period in which administrative offices are closed shall receive regular pay for the hours worked plus overtime pay (straight time or time and one-half, as applicable) for any hours worked when administrative offices are closed. Essential personnel who do not report to work for shifts that fall during the administrative delayed opening shall be charged leave. Program managers are encouraged to discuss with employees the procedures, as they relate to a particular work location, to be followed when less-than-full-day emergency administrative leave is declared. However, employees—other than those designated as essential—who arrive at their work locations on a day in which less-than-full-day administrative emergency leave is authorized shall be advised of the new starting time for work and compensated for the hours worked (minimum compensation of one hour). Employees shall report back to work at the revised starting time.

IV. FULL-DAY EMERGENCY ADMINISTRATIVE LEAVE

When full-day emergency administrative leave is announced, schools and offices shall be closed. Employees designated as essential personnel by the program manager or principal shall report for work unless advised not to do so by the program manager or the principal. For employees in an active pay status, prearranged leave (sick, annual, personal, etc.) shall not be charged except for employees designated as essential who do not report for work as required by the program manager or principal. Employees not in an active pay status will not receive the benefit of emergency administrative leave. Under certain conditions, and for some groups of employees, the time may have to be made up (see attached chart). Program managers are encouraged to discuss, with employees, the procedures, as they relate to a particular work location, to be followed when full-day emergency leave is authorized. However, employees who arrive at their work locations on a day in which full-day emergency leave is authorized shall be sent home and compensated for the hours worked (minimum compensation of one hour).

V. EFFECT OF CLOSINGS ON ATTENDANCE, PAY, MAKEUP, AND LEAVE STATUS

Attached to this regulation is a chart showing the effect on attendance requirements, pay, and leave status of various employee groups caused by the closing of schools only or both schools and offices. The chart also shows the effect of such actions if they are required before or after the three days beyond the state minimum attendance requirements that are built into the school calendar.

VI. ESSENTIAL PERSONNEL

By virtue of their responsibilities and the nature of the emergency, some employees may be deemed essential during an emergency situation by their principals or program managers. Such employees shall be on duty as notified regardless of the liberal leave or emergency administrative leave announcement.

See also the current version of: Regulation 4819, Sick Leave

**EFFECT OF EMERGENCY CLOSING ON
ATTENDANCE, PAY, MAKEUP, AND LEAVE**

**Attachment
Regulation 4810.9**

<u>WORK YEAR</u>	First 3 Days Missed		Four or More Days Missed	
	<u>Schools Closed¹</u> <u>Offices Open</u>	<u>Schools Closed</u> <u>Offices Closed</u>	<u>Schools Closed</u> <u>Offices Open</u>	<u>Schools Closed</u> <u>Offices Closed</u>
All Less-Than-12-Month Employees (Excluding Bus Drivers and Transportation Attendants)	Off Pay No Makeup No Leave Charged	Off Pay No Makeup No Leave Charged	Off No Pay Makeup No Leave Charged	Off No Pay Makeup No Leave Charged
Bus Drivers and Transportation Attendants ²	Off Pay No Makeup No Leave Charged	Off Pay No Makeup No Leave Charged	Off Pay Makeup With Pay No Leave Charged	Off Pay Makeup With Pay No Leave Charged
12-Month Employees	Work Pay No Makeup Leave Charged	Off Pay No Makeup No Leave Charged	Work Pay No Makeup Leave Charged	Off Pay No Makeup No Leave Charged
12-Month Essential Personnel ³	Work Pay No Makeup Leave Charged	Work Pay No Makeup Leave Charged	Work Pay No Makeup Leave Charged	Work Pay No Makeup Leave Charged

¹ All teachers and less-than-12-month employees assigned to work on a teacher workday should report on time with liberal leave policy in effect.

² Bus drivers and attendants are paid for all days in which students are in attendance plus authorized holidays, in-service days, and winter and spring break days. If a makeup day occurs on a holiday or a teacher in-service day, bus drivers and attendants receive double pay unless it is a scheduled non-paid day for employees on the transportation optional pay plan.

³ Essential employees are identified by principals and program managers. For these employees eligible for overtime, pay is authorized at regular pay plus overtime pay.

For less-than-full-day closings of both schools and offices, all prearranged leave is charged as submitted.

HUMAN RESOURCES

Leave and Leaves of Absence

Administrative Leave Employee Request

This regulation supersedes Regulation 4811.2.

I. PURPOSE

To establish procedures governing the granting of administrative leave requested by employees for in-service training or conferences and for special situations necessitating leave not authorized elsewhere in policies and regulations.

II. APPROVAL AUTHORITY

Program managers shall have approval authority for employees under their supervision.

Written approval is required whenever an absence necessitates the employment of a substitute and/or travel outside the building to which the employee is assigned. When travel for professional development is to a facility not under the auspices of Fairfax County Public Schools (FCPS) or Fairfax County (FC), an administrative leave form shall be completed.

When professional development travel is to an activity within FCPS or FC, written advance notification shall be provided to the principal or program manager. The form of the written notification is at the discretion of the principal or program manager.

III. CONDITIONS

Administrative leave is provided to enable employees to pursue professional growth experiences that they identify as related to job requirements. In approving requests, consideration will be given to the following factors:

- A. Availability of a suitable substitute, if applicable
- B. Impact of the employee absence on the program
- C. Potential contribution to the school system
- D. Depth of individual participation
- E. Number and frequency of requests of employees at the work location
- F. Seniority

IV. PAY STATUS

Administrative leave may be with or without pay as determined by the degree to which the intended activity is job-related.

V. APPLICATION PROCESS

A. The Administrative Leave Form (PL-334)

An administrative leave form (PL-334) shall be obtained from the employee's program manager, completed, and returned to the program manager. Employees on assignments such as recruiting trips or legislative coverage shall not be required to submit written administrative leave requests.

B. Advance Approval

An administrative leave form should be submitted far enough in advance to allow time for an approval decision prior to the beginning date of requested leave.

C. Out-of-County Travel Form (FS 11-71)

When reimbursement is expected, the Out-of-County Travel Approval/Advance Payment form (FS 11-71) shall accompany the administrative leave request form at the time of application.

See also latest version of Regulation 5310.8, Travel—Local and Out of County

HUMAN RESOURCES

Leave and Leaves of Absence

Administrative Leave--Unusual Circumstances

This regulation supersedes Regulation 4812.2.

I. PURPOSE

To establish the procedures to be followed for the placement of employees on administrative leave with pay under unusual circumstances.

II. CONDITIONS FOR ADMINISTRATIVE LEAVE

A. Approval Authority

The Division Superintendent or his or her designee may place an employee on administrative leave when unusual circumstances indicate the need to exclude the employee from the workplace and/or when it appears to be in the best interest of the employee or the school system. Such placement shall be in accordance with applicable federal and state laws.

B. Communication to Employee

All employees placed on administrative leave shall be notified in writing of the reasons for such placement and shall have the right to respond. Administrative leave is not used for disciplinary purposes and reflects no evaluation as to the merits of a dispute.

C. Pay and Disposition

Administrative leave under unusual circumstances shall be with pay. The period of placement on administrative leave shall be determined by the Division Superintendent or his or her designee and shall remain in effect pending a determination by the Division Superintendent or his or her designee regarding the termination of that leave.

HUMAN RESOURCES

Leave and Leaves of Absence

Annual Leave

This regulation supersedes Regulation 4813.4.

I. PURPOSE

To establish annual leave as provided by the School Board for all 12-month employees in positions with assigned workdays.

II. DEFINITION

Annual leave is paid time off work to be used at the employee's convenience with approval of the employee's immediate supervisor. It may also be used on days when a liberal leave policy is in force due to inclement weather or due to other emergencies.

III. ELIGIBLE EMPLOYEES

Only 12-month employees in positions with assigned workdays are eligible for annual leave.

IV. EARNINGS RATE

A. The following schedule details the rate at which annual leave will be earned and the maximum days earned per year:

Years of Service	Maximum Days Earned Per Year
0	13
1	14
2	15
3	16
4	17
5	18
6	19
7	20
8	21
9	22
10	23
11	24
12	25
13+	26

- B. An employee moving from a less-than-12-month position into a 12-month position will begin earning annual leave based on total years of service with Fairfax County Public Schools. Temporary hourly employment shall not be credited as prior service.

V. CREDITING

- A. Annual leave will be credited to employees with the same frequency as they are paid, either monthly or biweekly. Annual leave will not be available for use until the pay period after it is earned.
- B. Annual leave shall be earned and credited as long as an employee is in a paid status. Short-term disability, long-term disability, and workers' compensation are not considered paid statuses for the purpose of earning annual leave.
- C. Annual leave may only be used in 12-month positions. An employee moving from an annual leave-eligible position to one that does not accrue annual leave will be paid for the accumulated annual leave.

VI. ACCUMULATION AND CONVERSION OF ANNUAL LEAVE

- A. Annual leave may be accumulated as follows:
 - 1. A maximum of 30 days annually during the first ten years of continuous 12-month employment.
 - 2. A maximum of 40 days annually after ten years of continuous 12-month employment.
- B. Annual leave accumulated in excess of the maximum amounts shall be converted to sick leave as follows:
 - 1. On June 30 of each fiscal year for all employees paid monthly.
 - 2. At the end of the pay period that includes June 30 for all employees paid biweekly.

VII. RECIPROCITY OF ANNUAL LEAVE

Accumulated annual leave is reciprocal between the school system and the Fairfax County government and may be transferred between entities if there is no break in employment when the employee moves between organizations. See section IX., Payment of Unused Annual Leave, for an alternative payment option when transferring to Fairfax County government.

VIII. APPROVAL RESPONSIBILITY

The principal, program manager, or his or her designee is authorized to approve annual leave for employees under his or her supervision. A leave request should be submitted far enough in advance to allow time for an approval decision prior to the beginning date of the requested leave.

IX. PAYMENT OF UNUSED ANNUAL LEAVE

- A. Upon termination of employment, or at the reduction of length of contract or work year, employees shall be paid for accumulated annual leave. The rate at which the annual leave balance is to be paid is based on the rate of pay at the time of termination or the rate of pay of the 12-month position prior to the reduction in the contract or work year. The annual leave payout will be processed as a separate paycheck following the last regular 12-month paycheck. Employees hired on or after July 1, 1998, into an annual leave-eligible position, including employees already working for the school system but not eligible to earn annual leave, will not be paid for any leave in excess of the applicable caps (see section VI., Accumulation and Conversion of Annual Leave). Any annual leave in excess of the applicable cap will be converted to sick leave.
- B. Employees transferring to the Fairfax County government--with no break in service--will be paid for accumulated annual leave by default. In lieu of payment, employees may request a transfer of accumulated annual leave. The request for transfer of accumulated annual leave must be made in writing by the employee or by Fairfax County government on behalf of the employee. Such requests must be received by the Office of Payroll Management within one month of termination. The choice between a payment or a transfer of accumulated leave is a one-time, irrevocable election.
- C. A former employee who returns to eligible employment and received a payment for unused annual leave shall not have annual leave days reinstated. Employees who return to eligible employment within one year will begin to earn annual leave based on years of service prior to separation. All others will begin to earn annual leave based on their rehire dates.

FINANCE

General Policies and Procedures

Reallocation of Authorized Funds Affecting Positions

This regulation replaces Regulation 5135.3.

I. PURPOSE

This regulation establishes procedures for principals and program managers to request the reallocation of funds affecting positions. Positions requested to be reallocated must be vacant. Reallocations are approved for one fiscal year only. Requests should be submitted prior to June 1 and approved in advance of the next fiscal year (before June 30).

Central office position reallocations may be submitted through this process for short-term needs not to exceed one year. If an extended reallocation is needed, a position reclassification must be requested under the guidelines set forth in the current versions of Regulations 4172 and 5130.

II. GUIDELINES

Principals and program managers shall use the following guidelines to request a reallocation:

A. Administrative

1. School Board-approved staffing standards that impose caps, state and regional accreditation standards, and Standards of Quality for Public Schools in Virginia shall be followed.
2. Positions requested to be reallocated must be vacant as of the effective date of the request.
3. Funding for the following shall not be subject to reallocation:
 - a. Guidance counselor positions
 - b. Kindergarten assistant positions
 - c. Kindergarten teacher positions
 - d. Librarian positions
 - e. School-based technology specialists (SBTS)
 - f. Resource positions or funding such as time-out, FOCUS, etc.

- g. Substitute teacher allocations
 - h. Overtime or overbase allocations
4. Special education teacher and assistant position reallocations must be authorized through the assistant superintendent, Department of Special Services.
 5. Custodian positions may be reallocated for temporary custodial hours.
 6. The effective date for funding each reallocation shall be determined by the date of submission unless a future date is specified.
 7. Selection and contracting of personnel to fill a reallocated position shall not be initiated until the reallocated position or funding has been approved at all levels of authority.

B. Financial

1. Reallocations shall not exceed the amount budgeted.
2. Dollar value of full-time equivalent (FTE) positions traded out or cost of positions traded in shall be priced using current budgeting conventions for vacant positions-BA+15, step 05 for teacher positions and step 05 for US-scale positions. An instructional assistant (IA) position will be considered equivalent to 0.5 teacher position for trading purposes.
3. Funds not expended due to vacancies, hiring delays, and underfills shall be credited to budgeted salary lapse and cannot be reallocated.
4. Supply and textbook money to be reallocated to salary accounts shall not exceed 25 percent of the current-year approved budget allocation, in accordance with appropriation control levels established in the financial accounting management information system (FAMIS). Reallocations exceeding 25 percent of the textbook and supply current-year budget must be approved by the cluster assistant superintendent.
5. Reallocations from supply and textbook accounts shall not be processed unless sufficient funds are available for the remainder of the year for all subsequent orders.

C. Other

Requests outside the parameters of this regulation require written justification and must be approved by the cluster assistant superintendent (when appropriate) and the Superintendent or his or her designee.

III. PROCEDURES

A. Principals or Program Managers

1. A reallocation (trade-off) request form, FS-137, shall be completed by the principal or program manager in accordance with the administrative and financial guidelines above (see paragraphs II.A. and II.B.), with full justification for the request indicated on the form. A fillable version of the form is available on the FCPS intranet site at <http://fcpsnet.fcps.edu/it/records/forms/fs137.pdf>. This link is available only from computers within the Fairfax County Public Schools network (FCPSnet).
2. Upon completion, the reallocation request shall be forwarded to the Department of Human Resources.

B. Department of Human Resources

1. The director, Office of Employment Services, or his or her designee, as appropriate, shall determine if the requested staffing change complies with administrative guidelines (see paragraph II.A.).
2. If all administrative guidelines are met, approval shall be indicated on the request form, and the form shall be forwarded to the Department of Financial Services.
3. If disapproved, the reallocation request form shall be returned to the program manager, with appropriate comments, and copies of the request distributed as appropriate.

C. Department of Financial Services

1. The director, Office of Budget Services, or his or her designee, shall determine if the requested reallocation complies with financial guidelines (see paragraph II.B.).
2. If all financial guidelines are met, appropriate funding information shall be identified, the request processed, and the form distributed.
3. If financial guidelines are not met, the form shall be returned to the program manager with appropriate comments.
4. Reports summarizing trades requested and processed by cluster or department can be provided to assistant superintendents on an as-needed basis.

D. Superintendent

1. The Superintendent or his or her designee shall review all reallocation requests affecting administrative positions and those outside the parameters of this regulation.
2. Approval or disapproval of the reallocation request shall be indicated on the form and returned to the Department of Financial Services for processing and distribution.

E. Selection and Contracting of Personnel

If all conditions are satisfied, the selection and contracting of personnel shall be initiated through the Department of Human Resources.

See also the current versions of : Regulation 4171, Position Classification Plan
Regulation 5130, Position Control and Personnel
Action Request